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1989 -

OCT. ~~SEPT.~~ 1989

AGENDAS/MINUTES OF THE
PLANNING AND DEVELOPMENT
COMMITTEE OF COUNCIL

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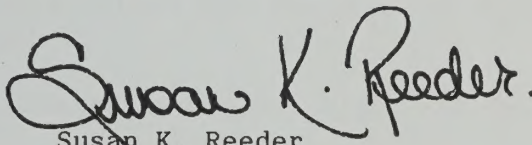
OFFICE OF THE CITY CLERK

1989 October 5th

NOTICE OF MEETING

Planning and Development Committee
Wednesday, 1989 October 11th
1:30 o'clock p.m.
Room 233, City Hall

URBAN MUNICIPAL
OCT 11 1989
GOVERNMENT DOCUMENTS


Susan K. Reeder
Secretary

SKR:dbm

ZONING APPLICATIONS WILL BE HEARD IN THE COUNCIL CHAMBERS.

A G E N D A

1. Minutes of the meetings held Wednesday, 1989 September 13 (afternoon);
Wednesday, 1989 September 13 (evening); Tuesday, 1989 September 26.

BUILDING COMMISSIONER

2. Demolition Permit Applications.

COMMISSIONER OF ENGINEERING

3. By-law Appointing Plumbing Inspectors.
4. Cash payment in lieu of 5% Parkland Dedication - "Randall Estates - Phase 6".

I

FINANCE COMMITTEE

5. Comprehensive Audit - Community Development Department as it relates to the Community Renewal and Housing Loans sections which are under the purview of the Planning and Development Committee.

MANAGER OF PURCHASING

6. Refuse containers - Phase IV, Downtown Hamilton Action Plan.
 - (a) Report from the Manager of Purchasing.
 - (b) Report from the Director of Community Development.
(For Information)

DIRECTOR OF LOCAL PLANNING

7. Proposed renaming of a part of Cannon Street west between Bay Street North and Queen Street North (D.6.2/415).
8. Proposed Amendment 58/89 to the Niagara Escarpment Plan. (P7-5-1)
9. Proposed Amendment No. 23 to the Official Plan of the City of Stoney Creek.
10. Work Programme: Implementation of the Provincial Policy Statement on Land Use Planning for Housing.

Note: Appendix "A" to follow.

LOCAL ARCHITECTURAL CONSERVATION ADVISORY COMMITTEE

11. Reduction of Quorum for L.A.C.A.C.
12. Proposed Business Sign - 712 Main Street East.
13. Heritage Permit - Pigott Building Lobby.
14. Designations
 - (a) 72-74 George Street.
 - (b) James Street Baptist Church, 96 James Street South.

COUNCIL CHAMBERS - ZONING APPLICATIONS

3:00 o'clock p.m.

15. Zoning Application 89-22, Giovanni Fortino, Umberto Spagnuolo, Stanislao Filice, Mario Presta, Oresta Presta, Franco Carobelli, Antonio Scornaienchi and Luciano Scornaienchi, owners, for changes in zoning from "AA" District, "AA" District modified, and "C" District to "HH" District for property located at 1514 and 1530 Upper James Street; Mewburn (East) Neighbourhood.

(a) Letter of Submission - 1187 West 5th Street.
16. Zoning Application 89-23, Giovanni Fortino, In Trust, owner, for changes in zoning from "AA" District and "C" District to "HH" District for property located at 1508 Upper James Street; Mewburn (East) Neighbourhood.
17. Zoning Application 89-71, Angelina Vucetich, owner, for a change in zoning from "C" District to "HH" District for property located at 57 Rymal Road West; Kennedy East Neighbourhood.

3:15 o'clock p.m.

18. Zoning Application 89-52, Duncan Beattie Insurance Agency Ltd., owner, for a further modification to the "HH" District for property located at 1036 Upper Wentworth Street; Bruleville Neighbourhood.
19. Zoning Application 89-59, Munro Metal Products Ltd., prospective owners, for a modification to the "H" District for property located at 140 Oak Avenue; Landsdale Neighbourhood.

3:30 o'clock p.m.

20. Zoning Application 89-62, 819814 Ontario Inc., owner, for a modification to the "E-3" District for property located at 43, 45 and 47 Caroline Street North and 57 Napier Street; Central Neighbourhood.
21. Zoning Application 89-64, J. Mouskos and I. Ablaka, prospective owners, for a change in zoning from "C" District to "E" District for property located at 6 Olmstead Street; Westdale South Neighbourhood.

3:45 o'clock p.m.

22. Zoning Application 89-69, Centre Gate Properties, Ltd., owner, for a further modification to the "E-3" District for property located at 167 Hunter Street East; Corktown Neighbourhood.
23. Other Business.
24. Adjournment.

Wednesday, 1989 September 13
1:30 o'clock p.m.
Room 233, City Hall

The Planning and Development Committee met.

There were present: Alderman J. Smith, Chairman
Alderman F. Lombardo, Vice-Chairman
Mayor Robert M. Morrow
Alderman M. Kiss
Alderman W. McCulloch
Alderman D. Christopherson
Alderman B. Hinkley
Alderman H. Merling
Alderman D. Ross

Also present: Alderman D. Drury
Alderman G. Copps
Alderman T. Jackson
Mr. V. Abraham, Director of Local Planning
Mr. D. Pickard, Building Department
Mr. P. Lampman, Deputy Building Commissioner
Mr. B. Allick, Building Department
Mr. M. Watson, Real Estate Division
Mr. R. Karl, Traffic Department
Mr. K. Brenner, Regional Engineering Department
Ms. L. Lawrence, City Solicitor's Office
Mr. J. Sakala, Planning Department
Mr. P. Mallard, Planning Department
Mr. D. Godley, Planning Department
Mrs. V. Grupe, Planning Department
Mrs. C. Floroff, Planning Department
Mrs. Susan K. Reeder, Secretary

The Committee was in receipt of the minutes of their meetings held Wednesday, 1989 July 12, Tuesday, 1989 August 14 and Tuesday, 1989 August 29, and agreed to **ADOPT** these minutes.

The Committee was in receipt of a request for consideration of a total refund of a building permit fee to Mr. Robin St. Jean, Durand Corporation for property at 251 King William Street. The Committee was in receipt of a Letter of Request from Mr. St. Jean dated 1989 August 17.

The Deputy Building Commissioner spoke to the Committee on this matter with respect to their report dated 1989 September 8.

General discussion ensued on this matter and it was indicated by the Secretary that Mr. St. Jean had been delayed but was on his way to the meeting. It was then agreed that this matter would **BE DEFERRED** until Mr. St. Jean arrived.

The Committee was in receipt of a report from the Building Commissioner dated 1989 September 6, respecting Demolition Permit Applications.

The Committee **APPROVED** the following:

That the Building Commissioner **BE AUTHORIZED** to issue demolition permits for the following properties:

- (a) 276 Limeridge Road East
- (b) 282 Limeridge Road East
- (c) 288 Limeridge Road East
- (d) 627 Rennie Street
- (e) 92 Shelby Avenue
- (f) 41 Robins Avenue

The Committee was in receipt of a report from the Building Commissioner dated 1989 August 23, respecting Cleaning of Domestic or Industrial Waste at Property at 313 Wentworth Street North.

Minutes - 1989 July 12,
1989 August 14,
1989 August 29.

Consideration of a total
refund of building permit
fee - 251 King William St.

Demolition Permit
Applications.

Cleaning of Domestic or
Industrial Waste -
313 Wentworth St. N.

The Committee APPROVED the following:

- (a) That the Building Commissioner BE AUTHORIZED to clear the property at 313 Wentworth Street North of domestic or industrial waste in accordance with City of Hamilton By-law 84-35; and
- (b) That the City Solicitor BE AUTHORIZED to prepare a By-law for the cleanup of 313 Wentworth Street North.

NOTE: The cost of the clearing of the debris will be added to the tax roll to be collected in a like manner as municipal taxes, at an estimated cost of approximately \$3,000. plus administration costs.

The Committee was in receipt of a report from the Building Commissioner dated 1989 August 24, respecting Removal of Inoperative Vehicles from Property at 31 South Street.

The Committee APPROVED the following:

- (a) That the Building Commissioner BE AUTHORIZED to remove two inoperative vehicles from 31 South Street in accordance with City of Hamilton By-law 74-74; and
- (b) That the City Solicitor BE AUTHORIZED to prepare a By-law for the removal of these vehicles.

NOTE: The cost of the removal of these vehicles will be added to the tax roll to be collected in a like manner as municipal taxes, at an estimated cost of approximately \$800. plus administration costs.

The Committee then discussed this particular matter and the Committee was advised by the Deputy Building Commissioner that the City is unable to remove inoperative vehicles from City streets and public property.

The Committee then APPROVED the following:

That the Mayor petition the Premier of Ontario on the need to pass legislation to give municipalities the power and authority to remove derelict vehicles from roadways and public property.

The Committee was in receipt of a report from the Building Commissioner dated 1989 August 24, respecting Clear-up of Domestic or Industrial Waste at Property at 111 Cope Street.

The Committee APPROVED the following:

- (a) That the Building Commissioner BE AUTHORIZED to clear the property at 111 Cope Street of domestic or industrial waste in accordance with City of Hamilton By-law 84-35; and
- (b) That the City Solicitor BE AUTHORIZED to prepare a By-law for the cleanup of 111 Cope Street.

NOTE: The cost of the clearing of the debris will be added to the tax roll to be collected in a like manner as municipal taxes, at an estimated cost of approximately \$1,800. plus administration costs.

The Committee was in receipt of a report from the Director of Community Development dated 1989 August 23, respecting a Designated Property Grant Application.

The Committee APPROVED the following:

That a Designated Property Grant in the amount of \$1,400. BE PROVIDED to James G. Davies Sr., 111 St. Clair Avenue South, Hamilton.

Removal of Inoperative Vehicles - 31 South Street.

Legislation request to allow municipalities to remove inoperative vehicles from City streets and public property.

Clear-up of Domestic or Industrial Waste - 111 Cope Street.

Designated Property Grant - 111 St. Clair Ave. S.

The Committee was in receipt of a report from the Director of Community Development dated 1989 September 7, respecting an Ontario Home Renewal Programme Grant/Loan.

O.H.R.P. Grant/Loan -
337 East 27th Street.

The Committee APPROVED the following:

That the Director of Community Development BE AUTHORIZED to process an Ontario Home Renewal Programme grant/loan in an amount not to exceed \$7,500. for Grace Townsend, 337 East 27th Street.

NOTE: The actual amount of grant or loan to be determined by inspection of the property under the Property Standards By-law 74-74 and pursuant to Regulation 506 (R.R.O. 1980) under The Housing Development Act for the Ontario Home Renewal Programme.

The Committee was in receipt of a report from the Director of Property dated 1989 August 25, respecting an Offer to Purchase the lands of the Corporation of the City of Hamilton at 140 Nebo Road.

Offer to Purchase City
Lands at 140 Nebo Rd.

The Committee APPROVED the following:

That an Offer to Purchase the lands of the Corporation of the City of Hamilton, Lot 18, Plan M-227, Hamilton Mountain Industrial Park #1, located at 140 Nebo Road, duly executed on 1989 August 23, by the Purchaser Allan Michaels Electric Ltd., and scheduled to close on or before 1990 March 12, BE APPROVED AND COMPLETED.

NOTE: The purchase price is \$200,000. A deposit cheque in the amount of \$20,000. is being held by the City Treasurer pending Council approval.

The property is composed of a parcel of land located on the westerly limit of Nebo Road, having a frontage of 200.23 feet by a depth of 433.31 feet/441.89 feet and containing an area of 2.01 acres.

This Offer to Purchase is conditional upon the City of Hamilton completing the re-purchase of this land from Fin-Par Enterprises Inc.

It is understood and agreed that the Vendor upon completion of this transaction will pay a Real Estate Commission on the following basis to Realcan Realty of Canada Ltd., 104-135 James Street South, Hamilton, Ontario L8P 2Z6, whose agent, Mr. Harry McKillop, acted in this matter:

1st \$100,000. of Purchase Price - 5%
2nd \$100,000. of Purchase Price - 4%

Notwithstanding paragraphs 6.3 (1) (2) (3) hereof, should the Transferee decide to construct an industrial condominium, in accordance with municipal, regional, and provincial requirements, the Transferee shall be entitled to enter into Agreements of Purchase and Sale in respect of the units to be contained within such condominium and shall further be entitled to transfer such condominium units to such Purchasers without such sales or transfers being deemed an act or acts of default hereunder.

The proceeds of the sale to be credited to Account #RF 45001 25202.

The Committee was in receipt of a report from the Commissioner of Engineering dated 1989 August 10, respecting Grading in Single-family House Lots.

Grading in Single-Family
House Lots.

The Committee APPROVED the following:

That Section 11 of the FOURTH Report for 1989 of the Planning and Development Committee approved by City Council on Tuesday, 1989 January 31, BE AMENDED by:

- (a) Adding to Subsection (b) "and g"; and
- (b) Adding a new (g) to read:
 - "(g) That the 7% restriction does not preclude retaining walls in the required back yard providing the terraces are maintained to the 7% grade set out in subsection (b)".

NOTE: The effect of the above is to permit retaining walls in the backyard which will permit the construction of sidesplits with the lower part of the house providing for a walk out.

Proposed Draft Plan of
Condominium - east side
of Upper Gage, north of
Royal Vista Drive and
south of Anna Capri Dr.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1989 August 29, respecting Proposed Draft Plan of Condominium for property on the east side of Upper Gage Avenue, north of Royal Vista Drive and south of Anna Capri Drive.

The Committee APPROVED the following:

That APPROVAL be given to Proposed Draft Plan of Condominium Application SA-89-08, "Annina Place", 815488 Ontario Inc., owner, to establish a draft plan of condominium located at the east side of Upper Gage Avenue, north of Royal Vista Drive and south of Anna Capri Drive, subject to the following conditions:

- (a) That this approval apply to the plan prepared by A. J. Clarke and Associates Ltd., dated 1989 April 20, revised to show a 6.0m driveway width.
- (b) That no final approval be given prior to the completion of the construction of sewers on Upper Gage Avenue adjacent to the lands of this plan of condominium.
- (c) That the following conditions be included in the Area Municipality Condominium Agreement or the owner satisfy the Ministry of the Environment:
 - (i) All dwelling on units 1,2, 9 and 10 inclusive shall be heated with a forced air system which must have adequate provisions for an owner-installed central air conditioning or mechanical ventilation system at a later date.
 - (ii) The builder shall install double glazed windows on dwellings on units 1, 2, 9 and 10 inclusive. Both glazing shall be of a minimum 24 oz. weight glass with a minimum separation between the panes of one inch or other construction achieving the equivalent or improved acoustical performance. All windows and sliding doors shall be well fitted and weather stripped.
 - (iii) The Subdivision Agreement shall require that the following clause be registered on title of each dwelling on units, 1, 2, 9 and 10 inclusive and be included in the agreement of purchase and sales:

"Purchasers are advised that noise control measures have been included in this development, however, due to the increase in traffic volume, noise levels on this property may occasionally interfere with some activities of the occupant. Provisions have been made within the individual dwelling units for an owner-installed central air conditioning or equivalent mechanical ventilation system so that windows may be closed at the discretion of the occupant in order to achieve a suitable indoor noise environment. Air cooled condenser units for central air conditioning systems shall be located in a noise insensitive area".

- (d) That the owner agrees in writing to satisfy all financial requirements of the Regional Municipality of Hamilton-Wentworth.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1989 September 1, respecting Proposed Draft Plan of Condominium for property at the southeast corner of Lancing Drive, west of Nebo Road.

Proposed Draft Plan of Condominium - southeast corner of Lancing Drive, west of Nebo Road.

The Committee APPROVED the following:

That APPROVAL be given to Proposed Draft Plan of Condominium Application SA-89-11, "Lancing Industrial Corporation", 718780 Ontario Limited, owner, to establish a draft plan of condominium located at the southeast corner of Lancing Drive, west of Nebo Road, subject to the following conditions:

- (a) That this approval apply to the plan prepared by J. D. Barnes Ltd. dated 1989 May 17.
- (b) That the owner agrees in writing to satisfy all financial requirements of the Regional Municipality of Hamilton-Wentworth.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1989 September 1, respecting Hess Block Review - Central Neighbourhood.

Hess Block Review - Central Neighbourhood.

The Committee APPROVED the following:

That the Planning and Development Department BE AUTHORIZED to proceed with a Review of the Hess Block.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1989 August 28, respecting Official Plan Major (Five Year) Review - Authorization for a Public Meeting.

Official Plan Major (Five Year) Review - Authorization for a Public Meeting.

The Committee APPROVED the following:

That the Planning and Development Committee DIRECT staff to schedule a Public Meeting in accordance with Section 26 of The Planning Act to consider Draft Official Plan Amendment No. 80, resulting from the findings of the Official Plan Major (Five Year) Review.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1989 September 6, respecting Site Plan Control Application DA-88-30, for property at 1007 Fennell Avenue at Upper Gage.

Site Plan Control Application DA88-30 - 1007 Fennell Avenue at Upper Gage.

The Committee APPROVED the following:

That approval BE GIVEN to the request to amend Site Plan Control Application DA-88-30, by River Dell Holdings Limited, owners of lands known as 1007 Fennell Avenue at Upper Gage, for a shortfall in required parking subject to the following:

- (a) That the shortfall in the required parking from 498 to 469 spaces be finalized through the Cash-in-Lieu of Parking Policy.

NOTE: Alderman Smith and Mayor Robert M. Morrow declared a Conflict of Interest in this matter since both bank at that particular Branch.

City Initiative to review the definition of "Townhouse Dwelling"

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1989 August 9, respecting a City Initiative to Review the Definition of "Townhouse Dwelling".

The Committee APPROVED the following:

- (a) That the Planning and Development Department BE DIRECTED to hold a public meeting respecting the following proposed changes to By-law No. 6593:
- (i) That the definition of "Townhouse Dwelling" be amended to delete the phrase "...not more than 8 single family dwelling units, but ...";
- (ii) That the definition of "Maisonette Dwelling" be amended to delete the phrase "... not more than 16 single family dwelling units, but ...";
- (iii) That the "RT-10" (Townhouse) District and "RT-20" (Townhouse - Maisonette) District be appropriately amended to introduce new regulations respecting "Dwelling Unit Placement", to prohibit a "Townhouse" building from containing more than 8 single family dwelling units, and a "Maisonette" building from containing more than 16 units;
- (iv) That the applicable Multiple Dwelling Zoning Districts be appropriately amended to introduce a new By-law provision requiring "Multiple Dwellings" containing a "Townhouse" or "Maisonette" component to comply with the respective By-law provisions for gross floor area ratio (multiple dwellings), and intensity of use (Townhouse and Maisonette Dwellings).
- (b) That the Planning and Development Department BE DIRECTED to NOT RECOMMEND Site Plan Approval for plans where the proponent has utilized By-law inconsistencies to circumvent the intend of the By-law.

Request for a total Building Permit Fee refund - 251 King William Street - "Broadway Cinema".

At this point, Mr. St. Jean was in attendance at the meeting and spoke on his request for a Total Building Fee Permit Refund.

Since this matter had already been discussed by the Committee members, no lengthy discussion ensued amongst the Committee.

It was then moved by Alderman McCulloch, seconded by Mayor Morrow that:

A one hundred percent refund of the Building Permit in the total amount of \$2,941. BE GRANTED to Mr. St. Jean with respect to the property at 251 King William Street "Broadway Cinema".

MOTION LOST.

Zoning Applications.

At this point, the Committee moved to the City Hall Council Chambers for the purpose of hearing Zoning Applications.

ZA 89-45 -
1492 Upper James Street.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1989 August 30, respecting Zoning Application 89-45, for property at 1492 Upper James Street.

The Committee APPROVED the following:

- (a) That APPROVAL be given to Zoning Application 89-45, 603815 Ontario Inc., owner for a further modification to the established "C" (Urban Protected Residential, etc.) District regulations to permit the temporary use of lands and the existing building for the sale of new and used cars for a further three year period, for property located at 1492 Upper James Street, as shown on the attached map marked as Appendix "A", on the following basis:
- (i) That the "C" (Urban Protected Residential, etc.) District regulations as contained in Section 9 of Zoning By-law No. 6593, as amended by By-law No. 86-201, applicable to the subject lands, be further modified in accordance with Section 38 of the Planning Act, R.S.O. 1983, to permit the temporary use of the lands and the existing building only, for the sale of new and used automobiles for a further maximum period of three years;
 - (ii) That notwithstanding Section 18(3)(ivc)(b) of Zoning By-law No. 6593, a minimum 3.0m wide landscaped planting strip shall be provided and maintained along the northerly lot line;
 - (iii) That notwithstanding Section 18(3)(ivc)(c) of Zoning By-law No. 6593, no visual barrier shall be required;
 - (iv) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-939a, and that the subject lands on Zoning District Map W-9D be notated S-939a;
 - (v) That the City Solicitor be directed to prepare a by-law to amend Zoning By-law No. 6593 and Zoning District Map W-9D for presentation to City Council;
 - (vi) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area;
- (b) That the amending by-law not be forwarded for passage by City Council until such time as a site plan has been approved by the Planning and Development Committee.

NOTE: The purpose of the by-law is to provide for a further modification to the "C" (Urban Protected Residential, etc.) District provisions applicable to property located at 1492 Upper James Street.

The effect of the by-law is to permit the temporary use of the lands and existing building only, for the sale of new and used automobiles for a further three year period.

In addition, the by-law provides for:

- (a) A minimum 3.0m wide landscaped planting strip along the northerly lot line only, whereas a 3.0m wide planting strip is required along the northerly, westerly and southerly lot lines.
- (b) To delete the requirement of a 1.2m to 2.0m high visual barrier along the northerly, westerly, and southerly lot lines.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1989 September 6, respecting Zoning Application 89-48, for property at the rear of 1285 Upper Gage Avenue fronting on Queen Victoria Drive.

The Committee APPROVED the following:

ZA 89-48 - rear of
1285 Upper Gage Avenue.
fronting on Queen
Victoria Drive.

That APPROVAL be given to Zoning Application 89-48, Arthur J. Boiago, owner, requesting a change in zoning from "AA" (Agricultural) District to "R-4" (Small Lot Single-Family Detached) District to create three lots, for property located at the rear of 1285 Upper Gage Avenue fronting on Queen Victoria Drive, as shown on the attached map marked as Appendix "B", on the following basis:

- (a) That the subject lands be rezoned from "AA" (Agricultural) District to "R-4" (Small Lot Single-Family Detached) District;
- (b) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-49B and E-49C for presentation to City Council; and,
- (c) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

NOTE: The purpose of the By-law is to provide for a change in zoning from "AA" (Agricultural) District to "R-4" (Small Lot Single-Family Detached) District for lands located at the rear of 1285 Upper Gage Avenue fronting on Queen Victoria Drive.

The effect of the By-law is to facilitate the severance of the land into three lots for small lot single-family residential dwellings.

ZA 89-46 - 1073,
1081 and 1085 Rymal
Road East.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1989 September 6, respecting Zoning Application 89-46, for property at 1073, 1081 and 1085 Rymal Road East.

Report of the circularization was given as follows:

135 notices sent 5 in favour 7 opposed

The Committee APPROVED the following:

That APPROVAL be given to Zoning Application 89-46, Bold-Duke Properties, owner, requesting a change in zoning from the established "L-mr-1" (Planned Development - Multiple Residential) District modified to "RT-20" (Townhouse - Maisonette) District to permit a townhouse development, on lands located at 1073, 1081 and 1085 Rymal Road East, as shown on the attached map marked as Appendix "C", on the following basis:

- (a) That the subject lands be rezoned from "L-mr-1" (Planned Development - Multiple Residential) District to "RT-20" (Townhouse - Maisonette) District;
- (b) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-49D for presentation to City Council; and,
- (c) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

NOTE: The purpose of the By-law is to provide for a change in zoning from "L-mr-1" (Planned Development - Multiple Residential) District to "RT-20" (Townhouse - Maisonette) District for lands located at 1073, 1081, and 1085 Rymal Road East.

The effect of the By-law is to permit a townhouse development having a maximum of 23 townhouse units.

ZA 89-73 - 21 Main
Street West (formerly
17 Main Street West)

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1989 September 8, respecting Zoning Application 89-73, for property at 21 Main Street West (formerly known as 17 Main Street West).

The Committee was also in receipt of a Letter of Submission from Mr. Edmond A. Shakker, Inch, Easterbrook & Shakker, Barristers & Solicitors, dated 1989 August 29.

The Committee APPROVED the following:

That APPROVAL be given to Zoning Application 89-73, 52 James Street South Limited, owner, requesting a modification to the "HI" (Civic Centre Protected) District provisions, to permit the development of the subject lands for a 14 storey, 145 unit, senior citizens multiple dwelling, for the property located at 21 Main Street West (formerly known as 17 Main Street West), as shown on the attached map marked as Appendix "D", on the following basis:

- (a) That the "HI" (Civic Centre Protected) District provisions, as contained in Section 15A of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following variances as special requirements:
 - (i) That notwithstanding Section 15A(1)(ia), a senior citizens multiple dwelling containing a maximum of 145 dwelling units shall be permitted;
 - (ii) That notwithstanding Section 15A, permitted commercial uses shall be located only within the ground floor of the senior citizens multiple dwelling;
 - (iii) That Section 15A(2)(ii) shall not apply;
 - (iv) For the purposes of this By-law, senior citizens multiple dwelling means a multiple dwelling within which all residents are at least 60 years of age or older;
 - (v) That Section 18.(3)(vi)(ee) shall not apply;
 - (vi) That notwithstanding Section 18A.(1)(a), a minimum of 47 parking spaces shall be provided and maintained for the senior citizens multiple dwelling;
 - (vii) That notwithstanding Sections 18A.(1)(c) and (d), two loading spaces having minimum dimensions of 3.7m x 9.0m x 4.3m shall be provided and maintained; and,
 - (viii) That notwithstanding Section 18A.(9), two of the required parking spaces and associated manoeuvring space, and the manoeuvring space for the loading spaces may be provided off-site.
- (b) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1137, and that the subject lands on Zoning District Maps W-4 and W-5 be notated S-1137;
- (c) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Maps W-4 and W-5 for presentation to City Council;
- (d) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area;
- (e) That the approved Durand Neighbourhood Plan be amended by redesignating the subject lands from "Commercial" to "Commercial and Apartments".

- (f) That as a condition of site plan approval, the applicants dedicate a maximum 3.33m alley widening to the City. The exact dimensions and uses of such dedication to be determined, to the joint satisfaction of the developers and the City, during the site plan approval process. In addition, road widenings, encroachment agreements, etc. will also be conditions of the site plan approval.

NOTE: The purpose of the By-law is to provide for a modification to the "HI" (Civic Centre Protected) District provisions for the property located at 21 Main Street West (formerly 17 Main Street West).

The effect of the By-law is to permit the development of the subject lands for a 14 storey, 145 unit, senior citizen multiple dwelling with commercial uses on the ground floor.

In addition, the By-law provides for the following variances:

- (a) To exempt the development from providing side yards;
- (b) To permit that portion of the parking garage (associated with the multiple dwelling) located above grade to project into a required yard;
- (c) To permit 47 parking spaces instead of the 116 required;
- (d) To allow two small loading spaces (3.7m x 9.0m x 4.7m) instead of one large and one small loading space for the senior citizens multiple dwelling, and one small loading space for the commercial component, if required;
- (e) To allow the manoeuvring space for the loading spaces to be accommodated off-site; and,
- (f) To allow two of the required parking spaces and associated manoeuvring space to be located off-site.

ZA 89-47 - 992 Montclair Avenue.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1989 September 6, respecting Zoning Application 89-47, for property at 992 Montclair Avenue.

Report of the circularization was given as follows:

197 notices sent 9 in favour 26 opposed

The Committee was also in receipt of the following Letters of Submission:

- (a) Doreen Felker, 983 Montclair Avenue, dated 1989 September 11;
- (b) Mr. & Mrs. Webster, 180 Grosvenor Avenue South, dated 1989 September 3;
- (c) Mr. William Gallagher, 181 Belmoral Avenue South, dated 1989 August 24;
- (d) C. K. McCormack, 975 Montclair Avenue, dated 1989 September 6;
- (e) Anne McCullough and Mrs. Mandy Borcic, 952 Montclair Avenue, dated 1989 September 8.

Mr. Simon, 980 Montclair Avenue submitted a petition in opposition to this Application along with a Street Map of the area highlighting those property owners opposed to the application. He indicated that he does not want to see this facility enlarged and fears the increased flow of traffic if this application is approved.

Mr. McCormack, 973 Montclair Avenue, spoke to the Committee in opposition to the Application. He expressed concerns that while the Zoning Application Sign required under City procedures was posted in April, the sign was removed in May. He added that when it was in fact replaced, it was placed in a very obscure position. He feels that on this basis, the Application should be denied.

A Representative of the Hope Haven Homes, Applicants for the Zoning Application spoke to the Committee. She advised that the sign was removed while the key Administrative person was away and that the sign had been removed after being broken away from the fence and that this removal was not intentional.

Mr. P. Mallard of the Planning Department spoke to this matter and indicated that his Department sees no default on the part of the Applicant with respect to the sign posting. He added that this is a requirement, not a By-law matter.

Ms. Elson, 976 Montclair Avenue spoke in opposition to the Application.

Mr. P. Mallard of the Planning Department clarified that approval of the Application would allow for the subject property to be used in conjunction with Hope Haven Homes only.

Mr. McCormack questioned the original use of the operation in the first place and Mr. P. Mallard of the Planning Department gave a history of the formation of this facility and counselling services being offered to the Community.

The Applicant for the Zoning matter then spoke to the Committee and introduced two of the neighbours who are also volunteers with Hope Haven Homes, namely Noreen Felkir and Anne McCulloch. Each of these women spoke in support of the Zoning Application.

The speakers also submitted a petition of support for the Homes which was obtained when the Zoning Application was originally made.

Ms. Felkir indicated that she supports Hope Haven Homes and feels secure with such a facility in the neighbourhood and added that it is well lighted.

Ms. McCulloch of 952 Montclair Avenue supports the Application and added that it is a good facility and meets the needs of the Community. She also spoke on the support petition and the enthusiastic response to it when it was circulated.

The Representative for the Home gave an outline of the eleven years' work in the Community that Hope Haven has contributed and added that she sees the needs of the Community are being met by the Haven.

Following this presentation, the Ward Alderman for the property spoke at great length on this matter.

The Committee then **APPROVED** the following:

That **APPROVAL** be given to Zoning Application 89-47, Hope Haven Homes Ltd., prospective owner, requesting a modification to the established "D" (Urban Protected Residential - One and Two Family Dwellings, Townhouses, etc.) District to move the administrative and counselling functions of Hope Haven Homes from 984 Montclair Avenue to the adjacent property, located at 992 Montclair Avenue, as shown on the attached map marked as **Appendix "E"**, on the following basis:

- (a) That the "D" (Urban Protected Residential - One and Two Family Dwellings, Townhouses, etc.) District regulations contained in Section 10 of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following variances as a special provision:

- (i) That notwithstanding Section 2(2)(A)(xiiaa) of By-law No. 6593, accessory offices, staffing and counselling shall be permitted within the existing building at 992 Montclair Avenue, only in conjunction with Hope Haven Homes located at 984 Montclair Avenue.
- (ii) That notwithstanding Section 10(1)(i) of By-law No. 6593, no use of the property located at 992 Montclair Avenue for the shelter of residents at Hope Haven Homes shall be permitted.
- (b) That the amending by-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1138, and the subject lands on Zoning District Map E-45 be notated S-1138;
- (c) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-45 for presentation to City Council; and,
- (d) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

NOTE: The purpose of the By-law is to provide for a modification to the "D" (Urban Protected Residential - One and Two Family Dwellings, Townhouses, etc.) District for property located at 992 Montclair Avenue.

The effect of the By-law is to permit the use of the subject property for administration and counselling offices, in conjunction with Hope Haven Homes located at 984 Montclair Avenue.

ZA 89-51 - 153 George Street.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1989 August 31, respecting Zoning Application 89-51, for property at 153 George Street.

The recommendation from the Commissioner of Planning and Development recommends DENIAL of this Application.

Report of the circularization was given as follows:

443 notices sent 22 in favour 17 opposed

Dr. Quick, 128 George Street spoke to the Committee on this matter and indicated that he represents various residents on George Street and some on Ray Street who are also opposed to this Application. He sighted insufficient parking in the area for such an Application and mentioned the various difficulties that this insufficient parking would cause the neighbourhood.

The owner of property at 10 Ray Street South also spoke in opposition to the Application.

Mr. Yanover, representative of the Applicant for this Zoning Application spoke to the Committee. He added that the Applicant is prepared to provide parking if the need warrants, but added that in her view the number of spaces are not required since residents do not have cars. He also added that blockage of driveways sited as a result of parking shortage occur in residential homes where deliveries are being made. He added that the addition would create 4 added bedrooms at the rear of the property but that no concrete plans have been made at this point on the specifics of the addition.

The Committee was in receipt of a Submission from Louis J. Agro, 141 George Street dated 1989 September 11.

The Committee discussed this matter at great length and APPROVED the following:

That APPROVAL be given to amended Zoning Application 89-51, Kathleen M. Ward, owner, requesting a modification to the established "D" (Urban Protected Residential - One and Two Family Dwellings, Townhouses, etc.) District regulations to permit the expansion of the existing residential care facility from 5 to 11 residents within the existing building, for property located at 153 George Street, as shown on the attached map marked as Appendix "F", on the following basis:

- (a) That the "D" (Urban Protected Residential - One and Two Family Dwellings, Townhouses, etc.) District regulations as contained in Section 10 of Zoning By-law No. 6593 applicable to the subject lands, be modified to include the following variance as a special requirement:
 - (i) That notwithstanding Section 10(1)(i) a residential care facility for a maximum of 11 residents shall be permitted, only within the existing building.
- (b) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1139, and the subject lands on Zoning District Map W-12 be notated S-1139;
- (c) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-12 for presentation to City Council; and,
- (d) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

NOTE: The purpose of the By-law is to provide for a modification to the "D" (Urban Protected Residential - One and Two Family Dwellings, Townhouses, etc.) District for property located at 153 George Street.

The effect of the By-law is to permit an expansion of the existing residential care facility from 5 to 11 residents within only the existing building.

Following approval of this matter, Dr. Quick and the owner of the property at 10 Ray Street South, asked the Committee about their concerns that the person who lives beside the property at 153 George Street is an elderly lady and that they are concerned that when this house comes up for sale that the Applicant will purchase the home to expand her operation. It was indicated that this was a private matter.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1989 September 5, respecting Zoning Application 89-74, for property at 197 and 211 Stone Church Road East.

ZA 89-74 - 197 and
211 Stone Church Road
East.

Report of the circularization was given as follows:

94 notices sent 11 in favour 2 opposed

The owner of property at 185 Stone Church Road East questioned the Zoning Application and asked if the original intent to build a Nursing Home and Senior Citizen Multiple Dwelling was changed, whether the prospective owners of this property could build townhouses instead. Mr. Paul Mallard of the Planning Department indicated that they would be able to do this.

Mr. Fred Heydon, representative of the owners at 1415 Upper Wellington Street spoke to the Committee with respect to the Application and indicated that his Company plans to expand and asked whether approval of this particular Application will affect their development. Mr. Mallard of the Planning Department indicated that each application is considered on its own merits. Mr. Abraham, Director of Local Planning also indicated that the facility at 1415 Upper Wellington and the subject Application meet the required distance for these facilities.

Following some discussion on this, it was agreed by the Committee that this Zoning Application would be made Site specific to ensure that only a Nursing Home and 3 storey 83 units Senior Citizen Multiple Dwelling could be used for this property.

The Committee then APPROVED the following:

- (A) That APPROVAL be given to Official Plan Amendment No. 79 to redesignate the subject lands from "Open Space" to "Major Institutional", and the City Solicitor be directed to prepare a By-law to amend the Official Plan for submission to the Regional Municipality of Hamilton-Wentworth.
- (B) That APPROVAL be given to Zoning Application 89-74, Griffin Development Corporation, prospective owner, for a change in zoning from "AA" (Agricultural) District to "DE-3" (Multiple Dwellings) District (Block "1"), and from "C" (Urban Protected Residential, etc.) District to "DE-3" (Multiple Dwellings) District (Block "2"), to permit a combined one storey 62 bed nursing home and a three storey senior citizens multiple dwelling (retirement home) having 83 units, on property municipally known as 197 and 211 Stone Church Road East, as shown on the attached map marked as Appendix "G", on the following basis:
 - (a) That the lands described as Block "1" be rezoned from "AA" (Agricultural) District to "DE-3" (Multiple Dwellings) District;
 - (b) That the lands described as Block "2" be rezoned from "C" (Urban Protected Residential, etc.) District to "DE-3" (Multiple Dwellings) District;
 - (c) That the "DE-3" (Multiple Dwellings) District regulations as contained in Section 10C of Zoning By-law No. 6593, applicable to Blocks "1" and "2" be modified to include the following variances as special requirements:
 - (i) That notwithstanding the provisions of Section 10C(1), only the following use shall be permitted:
 - (1.) a combined one storey 62 bed nursing home and a three storey 83 unit senior citizens multiple dwelling;
 - (ii) That notwithstanding Section 10C(3)(i)(b), a minimum front yard depth of 9.0m shall be provided and maintained along the easterly lot line within 75m of Stone Church Road East;
 - (iii) That notwithstanding Section 10C(3)(iii)(b), a minimum rear yard depth of 9.0m shall be provided and maintained along the westerly lot line within 30.0m of Stone Church Road East;
 - (iv) That notwithstanding Section 18A (14) a parking area shall be permitted in the required front yard with 7.5m of the street line;
 - (v) That notwithstanding Section 18A. Table 1 a minimum of 63 parking spaces shall be provided and maintained for the combined nursing home/senior citizens multiple dwelling use mentioned in clause (i) above;
 - (vi) That for the purposes of this By-law, a senior citizens multiple dwelling means a multiple dwelling within which all residents are at least 60 years of age or older.

- (d) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1140, and that the subject lands on Zoning District Map E-9C be notated S-1140;
- (e) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-9C for presentation to City Council;
- (f) That the proposed change in zoning will be in conformity with the Official Plan for the Hamilton Planning Area upon the approval of Official Plan Amendment No. 79 by the Regional Municipality of Hamilton-Wentworth.
- (g) That the Jerome Neighbourhood Plan be amended by redesignating the subject lands from "Institutional and Recreational" to "Civic and Institutional". In addition, the Jerome Neighbourhood Plan be reviewed respecting changes to the land use and road pattern for the lands immediately to the west of the site in question.

NOTE: The purpose of the By-law is to provide for a change in zoning from "AA" (Agricultural) District "DE-3" (Multiple Dwellings) District (Block "1"), and from "C" (Urban Protected Residential, etc.) District to "DE-3" (Multiple Dwellings) District (Block "2"), for property located at 197 and 211 Stone Church Road East.

The effect of the By-law is to permit a combined one storey 62 bed nursing home, and a three-storey senior citizens multiple dwelling (i.e. retirement home) having 83 dwelling units for the accommodation of residents at least 60 years of age or older.

In addition, the By-law provides for the following variances as special requirements:

- (a) A minimum front yard of 9.0m, along the easterly lot line within 75m of Upper Wellington Street, whereas a minimum of 12.0m is required;
- (b) A minimum rear yard of 9.0m, along the westerly lot line within 30.0m of Stone Church Road East, whereas a minimum of 13.5m is required;
- (c) To permit parking spaces in the required front yard with 7.5m of the street line, whereas no front yard is permitted within 12.0m;
- (d) To require a minimum of 63 parking spaces to be provided and maintained on the site, whereas 125 parking spaces are required.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1989 August 31, respecting Gateway East Study (Centennial Parkway from Confederation Park to Queenston Road) - Public Meeting.

Gateway East Study
(Centennial Parkway
from Confederation Park
to Queenston Road) -
Public Meeting.

The Committee APPROVED the following:

That the Planning and Development Department staff BE DIRECTED to review all input received from the Public, and the comments of the Traffic Department, and prepared final recommendations on the Study Proposals for the Committee's consideration at a future meeting.

Adjournment.

There being no further business, the meeting then adjourned.

Taken as read and approved,

ALDERMAN J. SMITH, CHAIRMAN
PLANNING AND DEVELOPMENT COMMITTEE

Susan K. Reeder
Secretary
1989 September 13

Wednesday, 1989 September 13
7:00 o'clock p.m.
Lobby, City Clerk's Department
City Hall

The Planning and Development Committee met.

There were present: Alderman J. Smith, Chairman
Alderman H. Merling
Alderman D. Ross
Alderman M. Kiss

Regrets: Mayor Robert M. Morrow
Alderman W. McCulloch
Alderman B. Hinkley
Alderman D. Christopherson
Alderman F. Lombardo

Also present: Alderman T. Jackson
Alderman J. Gallagher
Mr. P. Lampman, Deputy Building Commissioner
Mr. B. Allick, Director of Building Inspections
Mr. J. Pavelka, Director of Public Works
Mr. J. Weber, Hamilton-Wentworth Health Unit
Mr. J. Percy, Ministry of the Environment
Mr. F. Dobroff, Ministry of the Environment,
Regional Office
Ms. L. Lawrence, City Solicitor's Office
Approximately 128 members of the Public
Mrs. S. Glover, Acting Secretary

The Chairman welcomed everyone to the meeting and introduced the Committee and staff members present. He said the purpose of the meeting was to receive the recommendations of the Task Force on Apartment Garbage. However, as a quorum was not present, the Chairman advised that the Committee would HEAR submissions that evening and report back to the Planning and Development Committee.

Chairman's opening remarks.

Alderman Merling, the Chairman of the Task Force on Apartment Garbage, said the Task Force had been struck to address problems created by the Ministry of the Environment legislation which prohibited the use of apartment incinerators. This legislation had resulted in many apartment building owners closing down their buildings existing garbage chutes. Thereby creating numerous problems for tenants and area residents.

Chairman - Task Force on Apartment Garbage remarks.

Alderman Merling advised that numerous complaints had been received and visits carried out in the community culminating in the recommendation of the Task Force as follows:

Recommendation of the Task Force.

"The Property Standards By-law 74-74 BE AMENDED to require that garbage and refuse chutes and garbage and storage rooms in apartment buildings shall be kept in use and maintained in operation at all times".

Alderman Merling advised that if the recommendations of the Task Force were adopted by the Planning and Development Committee, they would be sent to Council for adoption and the subsequent by-law amendment in order that these recommendations could be enforced.

The tenants and area residents were then invited to make their submissions to the Committee.

Tenants and area residents submissions:

Maureen Humphrey - 1205 Fennell Avenue (Confederation Square Apartments)

-Maureen Humphrey
(tenant)
(Confederation Square Apartments)

Ms. Humphrey said she was speaking on behalf of other tenants in her apartment building and cited cases where old people had to carry a large number of garbage bags downstairs and expressed concerns that these same people would have to take bags out to the high bins in the icy parking lots during the Winter months. She asked why the closing down of the incinerators had necessitated the closing down of the chutes.

Ms. Humphrey said that older people felt intimidated about speaking out and said that although rents kept increasing, the tenants rights were being taken away from them. She advocated the reinstatement of these chutes and replacement of the garbage bins inside the building and said she had spoken to the Property Manager who should have relayed her concerns to Mr. Arthur Weisz, the owner.

Ms. Humphrey said she also did not feel that adequate notice had been given of the meeting.

Alderman Gallagher drew attention to the plight of handicapped tenants and said the situation was doubly unacceptable in their case.

Plight of
handicapped tenants.

- Fred Broughton
(tenant)
(Eden Rock
Apartment Building)

Fred Broughton - 877 Upper Gage (Eden Rock Apartment Building)

Mr. Broughton thanked the Aldermen who had met with him. He said he felt there was no reason for the action taken by the Landlords, resulting he felt, in a waste of money and council time.

Mr. Broughton drew Committee's attention to concerns he had with regard to the operation of the Eden Rock Apartment Building, including the policy for replacing appliances, the fact that no interest payment was forthcoming on the last month's cheque unless specifically requested by the tenant, and an agreement whereby new tenants were asked not to divulge rent paid or go to the Rent Review Board.

Mr. Broughton said he could find no reference in the Ministry of the Environment regulation to the closing of garbage chutes. He said that when the new compactor was installed at his apartment building, it would be necessary to take their garbage to the rear of the building. His concerns with regard to the ability of elderly and handicapped tenants to do this, and a request for a meeting in this regard with the owner had been received unsympathetically.

Mr. Broughton respectfully requested that a specific date be included in By-law 74-74, for the re-opening of the garbage chutes and suggested a date not later than September 30, 1989.

Proposed by-law
amendment.

Alderman Merling advised that as soon as the proposed by-law amendment was passed by Council, it would become effective.

-Frank Peck (tenant)
(Eden Rock
Apartment Building)

Frank Peck - Eden Rock Apartment Building

Mr. Peck concurred with Mr. Broughton's statements and referred to the case of a lady who was paralysed and the subsequent difficulties the new garbage arrangements would cause her.

-Olive Creaser
(tenant)
(200 Gage Ave. South)

Olive Creaser - 200 Gage Avenue South, Apartment 401 (Landlord - Mr. Adler)

Ms. Creaser advised the Committee that the chute had closed in her apartment building on June 7, and she had written to the Ministry of the Environment in this regard. She said she felt that this was very much a Provincial matter and that the By-law should not have been passed in the first place without further investigation being carried out as to how this would affect people. She said she felt that insufficient notice had been given by the Province and was happy that the Municipality were to take action in this regard.

Ms. Creaser introduced a sample of dirt which she said was taken from her windowsill that evening as an example of the pollution still in the environment.

Hospital
Incinerators.

Alderman Smith expressed concern that hospitals were still allowed to use their incinerators while apartments had to close theirs down.

A representative of the Ministry of the Environment introduced a copy of an advertisement which had appeared in the Spectator on September 15, 1987 inviting public comment on the proposed regulation to ban apartment building incinerators.

Ministry of the Environment representative remarks.

Bill Davies - 102 Sherwood Rise

Mr. Davies said he was a resident living behind the Willshire Apartment building on Fennell Avenue and was attending on behalf of other residents of Sherwood Rise. He said 4 garbage containers had been placed against the residents fences resulting in garbage blowing onto their property and an offensive odour in Summer months.

- Bill Davies (resident) (behind the Willshire Apartment)

Mr. Davies thanked the tenants for the good job they had done in placing the garbage in the bin, however, he said a large part of the problem was that the bins were not emptied until garbage was spilling over.

Alderman Smith said he had spoken to Mr. Weisz and advised that the situation was unacceptable to the owners of Sherwood Rise.

Unacceptable situation to owners of Sherwood Rise.

Alderman Merling cited numerous complaints received by himself and Alderman Gallagher with regard to this situation.

Numerous complaints received.

Alderman Gallagher concurred with Alderman Merling and drew attention to the situation at long week-ends when bins were overflowing and the smell was worse. He said that the quality of life in this community had been negatively impacted upon by this move.

-Long week-ends situation.
-Quality of Life.

Alderman Merling then invited apartment owners to make submissions.

Apartment owners submissions:

Harold Perry - Supervising Property Manager for Dominion Property Management

- Harold Perry (Dominion Property Management)

Mr. Perry said Dominion Property Management supervised the following apartment buildings:

- Meadowbrook, Tiara, Argyle, Concordia, Queenston Plaza.

He said in his opinion the garbage chutes on all floors of the apartment buildings should be kept closed with the exception of the chutes on the first floor. He explained that prior to May 1, 1989 the kitchen garbage of all tenants was placed into garbage chutes on each floor of the building. This fell into a sealed room in the basement and a maintenance person would shovel the garbage into incinerators several times a day.

Mr. Perry said that problems had arisen when improperly sealed garbage bags were thrown into the chutes resulting in a build-up on all floors of filth in the lining of the chutes. This build-up was unhealthy and housed lice, cockroaches, etc. He said when the upper chutes had been closed the situation improved tremendously because garbage was better bagged and wrapped. Mr. Perry said in his opinion the closing of the chutes on all but the first floor had not caused any problems and had in fact made a healthier situation.

Mr. Perry said in the buildings he supervised there was always a closed garbage room within the building, bins were kept sealed in this room until taken out on the day of disposal. He said the storage room was cleaned and deodorized daily and he felt a return to open chutes would be a return to previous problems.

- Marcel Mongeon
(Joymarmon Group)

Marcel Mongeon, General Manager of Joymarmon Group

Mr. Mongeon said of the three buildings with which he was involved, all garbage chutes were open. He said in his opinion, the by-law was unnecessary and cited the Residential Rent Act, 1986 which made provision for a tenant to apply to the Review Board and obtain a reduction in their rent. He referred to the closure of chutes being necessary for a limited period of time during the installation of compactors and the subsequent construction involved.

- Fred Rudolph,
Lawyer for:
Dominion Property
Management.

Fred Rudolph - Lawyer representing Dominion Property Management

Mr. Rudolph said he felt the amendment to the By-law unnecessary because the Property Standards By-law already provided the power to regulate this situation and suggested that the City hire more staff to enforce the Property Standards By-law.

With the closing of the chutes Mr. Rudolph said people were having to be more responsible and bag garbage properly and transport it out of the building. He cited the problem at Eden Rock Apartments where a compactor could not be physically placed near the chute area. He said it would be almost impossible for the owner to comply with the proposed by-law amendment as it would be difficult to get the garbage out of the chute room.

Referring to the difficulties of seniors or handicapped residents, Mr. Rudolph said he recognized the inconvenience and compared it to the inconvenience caused when home owners were required to set out their own garbage. He said the situation of closing the chutes had resulted in cleaner buildings.

Mr. Rudolph said in his opinion there were two separate issues:

- (1) What would be done with the garbage which used to be burned;
and
- (2) The closures of chutes which would result in a cleaner situation.

- Leslie Barrow
(Casablanca & Capri
Apartments)

Leslie Barrow - Property Manager - Casablanca and Capri Apartments - 666 and 640 Mohawk Road East.

Mr. Barrow referred to the cleanliness of his buildings and sited a problem at 640 Mohawk Road East where the layout of the building physically precluded the installation of a compactor. He said another problem was the fact that the compactor companies were backlogged. When a compactor was installed he undertook to open the chute in the building but said to do so prior to that would attract vermin and rodents.

If passed, Mr. Barrow said the proposed by-law amendment would impact unfairly on landlords who were attempting to look after the needs of their tenants and the area residents.

- Thomas Cattle
(Concordia Apartment
Buildings)

Thomas Cattle - Superintendent - Concordia Apartment Buildings - 575 Queenston Road.

Mr. Cattle made his submission that representatives of the Task Force should visit his building. He said that a compactor was in use and only the first floor chutes were open. He said the garbage room was supervised hourly to ensure garbage was not left there.

Mr. Cattle said in his opinion he had a situation which was working and felt the by-law would discriminate against buildings which were well run. He cited the difference between compactors and outside garbage areas. He said if the chutes were opened on floors other than on the first floor, it would result in more garbage in the chutes and create a noise problem for tenants living adjacent to the chutes. Mr. Cattle advised the Committee that he was leaving the employ of Dominion Properties shortly and was speaking as a concerned citizen.

Tony Bracka - Effort Trust Co.

Mr. Bracka advised the Committee that contracts were out already for compactors and conveyor belts and his Company were trying to do the best they could to expedite the situation for the tenants. He said all garbage chutes would be re-opened when the compactors were installed.

Victor Anderson - Manager of Eden Rock Apartments

Mr. Anderson said he had recently taken over the Eden Rock Apartment building and said he felt the installation of compactors would be the end of the problems. He said he could not see the chutes being re-opened in that particular building because the garbage would then have to be carried out to the compactor. With the garbage chutes closed the garbage was presently bagged properly and carried out to the storage area.

In response to a question from Alderman Gallagher regarding the time frame for delivery and installation of compactors, 2 landlords said it would take approximately 4-1/2 months and the representative of Effort Trust expected to have the compactors installed by mid December.

Alderman Jackson said he supported the recommendation of the Task Force and commended the landlords who had shown cooperation and were simply waiting the installation of compactors before re-opening their chutes.

Alderman Smith thanked everyone for attending and in particular Alderman Merling for the effort put into dealing with this problem. He welcomed Alderman Mary Kiss and stated that the Committee still lacked a quorum in order to vote on the recommendations. He suggested that a special meeting of the Planning and Development Committee be held on Tuesday, 1989 September 26 at 6:00 o'clock p.m., prior to the regular Council meeting, in order that this matter could be dealt with as soon as possible.

There being no further meeting, the meeting then adjourned.

Taken as read and approved.

ALDERMAN J. SMITH, CHAIRMAN
PLANNING AND DEVELOPMENT COMMITTEE

Stella Glover
Acting Secretary
1989 September 13

- Tony Bracka
(Effort Trust Co.)

- Victor Anderson
(Eden Rock Apartments)

Time frame for
delivery and
installation of
compactors.

Commendation of
Landlords.

No Quorum -
Special meeting
of the Planning &
Development Committee
- Tuesday, 1989
September 26.

Adjournment.

Tuesday, 1989 September 26
6:00 o'clock p.m.
Room 233, City Hall

The Planning and Development Committee met.

There were present: Alderman J. Smith, Chairman
Alderman B. Hinkley
Alderman M. Kiss
Alderman H. Merling
Alderman D. Ross

Regrets: Mayor R. M. Morrow
Alderman D. Christopherson - Civic Business
Alderman F. Lombardo
Alderman W. McCulloch

Also present: Alderman T. Murray
Alderman T. Jackson
Mr. L. Sage, Chief Administrative Officer
Mr. L. King, Building Commissioner
Mr. B. Allick, Director of Building Inspections
Ms. L. Lawrence, City Solicitor's Office
Mr. V. Abraham, Director of Local Planning
Mr. D. Heinz, Public Works Department
Mr. J. Bruno, Executive Director
Hamilton and District Apartment Association
Mrs. S. Glover, Acting Secretary

The Chairman welcomed everyone to the meeting and advised that a Special Meeting of the Planning and Development had been called to address the Recommendations of the Task Force on Apartment Garbage.

The Committee was in receipt of a letter from Mr. John Bruno, Executive Director of the Hamilton and District Apartment Association. Mr. Bruno attended and addressed the concerns raised in his letter.

Mr. Len King, the Building Commissioner, said that the By-law was intended to ensure that garbage chutes and storage rooms that were originally installed in buildings were in fact maintained in operation. He said the By-law was written in such a manner that it clearly referred to existing facilities which were to be maintained.

Mr. King assured the Committee that Mr. Bruno's concerns were therefore addressed in the By-law.

The Committee AGREED as follows:

- (a) That Property Standards By-law 74-74 BE AMENDED to require that garbage and refuse chutes and garbage and storage rooms in apartment buildings shall be kept in use and maintained in operation at all times; and
- (b) That the City Solicitor BE AUTHORIZED to prepare the appropriate amending By-law for presentation to City Council.

There being no further business, the meeting then adjourned.

Taken as read and approved,

ALDERMAN J. SMITH, CHAIRMAN
PLANNING AND DEVELOPMENT COMMITTEE

Stella Glover
Acting Secretary
1989 September 26

Chairman's opening remarks.

Letter from Mr. John Bruno, Hamilton & District Apartment Association - Mr. Bruno addressed his concerns.

Clarification by Building Commissioner of By-Law 74-74.

Assurance given that Mr. Bruno's concerns addressed in the By-law.

Property Standards By-Law 74-74 Amendment.

Adjournment.

FOR ACTION

2.

REPORT TO: The Planning and Development Committee

FROM: L.C. King, Building Commissioner

DATE: October 3, 1989

COMM. FILE:

DEPT. FILE:

SUBJECT:

Demolition

RECOMMENDATION:

That the Building Commissioner be authorized to issue demolition permits for the following properties: -

- a. 196 Main Street East
- b. 272 Limieridge Road East
- c. 106 Canada Street
- d. 108 Canada Street
- e. 407 Lake Avenue North
- f. 1500 Upper James Street
- g. 1150 West 5th
- h. 1073 Rymal Road East
- i. 1081 Rymal Road East
- j. 1085 Rymal Road East

FINANCIAL IMPLICATIONS: N/A

BACKGROUND:

For background information see attached sheets.

A large, stylized handwritten signature in dark ink, located in the lower right quadrant of the page. The signature appears to be a cursive representation of the letters 'M' and 'K'.

DEMOLITION CONTROL

CATEGORY "A" - PROPOSED USE OF LAND IS PERMITTED BY PRESENT ZONING

ITEM	ADDRESS	PRESENT USE	PROPOSED USE	LOT SIZE	OWNER	ZONE	RECOMMENDATION
196	Main St. E.	T.F.D.	Vacant	34' X 141'	Kemp	"H"	It is recommended that Committee approve demolition.
272	Limeridge E.	S.F.D.	Townhouses	63' X 254'	Mahabir Homes	"AA"	It is recommended that Committee approve demolition. Proposed zoning change to "RT-20" (ZA-89-34)
106	Canada St.	S.F.D.	Parking Lot (Public)	25' X 100'	Calabria Supermarket	"D"	It is recommended that Committee approve demolition. Proposed zoning change to "G3" (ZA-88-56)
108	Canada St.	S.F.D.	Parking Lot (Public)	25' X 100'	Calabria Supermarket	"D"	It is recommended that Committee approve demolition. Proposed zoning change to "G3" (ZA-88-56)
407	Lake Ave. N.	S.F.D.	Vacant	257' X 192'	E.C.E. Investments Limited	"KK"	It is recommended that Committee approve demolition.
1500	U. James St.	S.F.D.	Vacant	37' X 248'	Alex Hemstreet	"C"	It is recommended that Committee approve demolition.
1150	West 5th	S.F.D.	Vacant	55' X 396'	Fedele Memmold	"AA"	It is recommended that Committee approve demolition.

DEMOLITION CONTROL

October 3, 1989

~~P. C. Lampman, P. Eng.,
Deputy Building Commissioner~~

F O R A C T I O N

3.

TO: Ms. S. Reeder
Secretary Planning & Development Committee

FROM: G. S. Spencer
Commissioner of Engineering

DATE: September 26, 1989

COMM FILE:

DEPT FILE: E200-01

ID#karen


SUBJECT: By-Law Appointing Plumbing Inspectors

OCT 3 1989

RECOMMENDATIONS

That by-law #82-133, as amended, be further amended by rescinding Schedule "A" to said By-law and approving a new Schedule "A" appointing the inspectors listed below and the City Solicitor be instructed to prepare the amending By-law.

1. Albert Riley
2. Laverne Carron
3. Jack Lethbridge
4. Jim Connors
5. Irwin Schwartz
6. Ray Wood
7. Oresto Difonte
8. Phil Chabot
9. Robert Felker
10. Jim Duffy
11. Richard Podolsky
12. Konrad Brenner
13. Jim Manta
14. Gord McCallum
15. George Clarke
16. Rick Guyatt
17. Harold Hummel
18. Jim McDonald



G. S. Spencer
Commissioner of Engineering

Cont'd

-Page 2-
September 26, 1989

By-Law Appointing Plumbing Inspections

Cont'd

BACKGROUND

The City of Hamilton by adopting certain by-laws has established that Regional employees inspect sewer and water services between a building and the property line. This has been in effect since January 1, 1975. The employees carrying out this work have to be appointed as plumbing inspectors which was done in By-law 82-133. Since that time staff changes have taken place and, therefore, it is necessary to update the Schedule "A" to the 1982 by-law naming the individuals.

The recommended By-law does not alter any jurisdiction or work load, but is simply a house keeping amendment to avoid a person challenging the employee's carrying out their duties.

KAB:klv

cc: Building Department
Att: Mr. L. King

FOR ACTION

4.

REPORT TO: MRS. S. REEDER, SECRETARY
PLANNING AND DEVELOPMENT COMMITTEE

FROM: G. S. SPENCER
COMMISSIONER OF ENGINEERING

DATE: 1989 September 20
COMM FILE:
DEPT FILE: S718-64

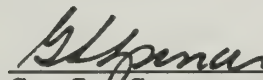
SUBJECT

SEP 25 1989

"RANDALL ESTATES - PHASE 6", Hamilton
(Cash Payment in Lieu of 5% Parkland Dedication)

RECOMMENDATION

That the City of Hamilton accept the sum of \$11,050.00 as cash payment in lieu of 5% dedication in connection with Randall Estates - Phase 6 Hamilton, this being the cash requirement under Section 50 of The Planning Act.



G. S. Spencer
Commissioner of Engineering

FINANCIAL IMPLICATIONS

N/A

BACKGROUND

The owner of the lands for the above referenced subdivision will be executing a Subdivision Agreement with the City of Hamilton in the near future. A copy of the Final Survey Plan is attached for your information.

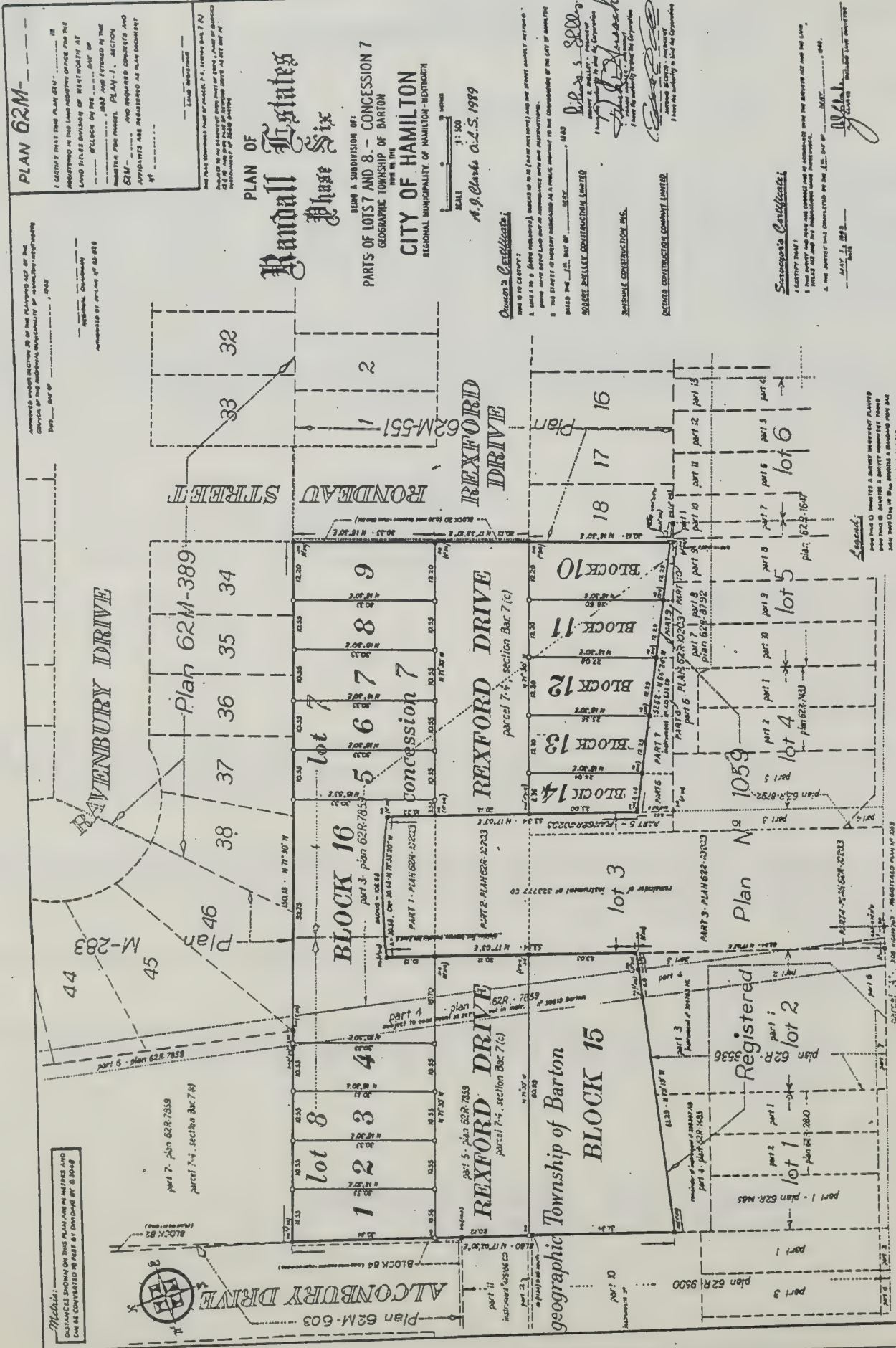
In accordance with normal City procedure, the City and Regional staff have completed calculations for the 5% cash payment in lieu of Parkland Dedication.

The sum to be included in the Subdivision Agreement has been calculated to be \$11,050.00.

Note: These lands are located east of Upper Sherman Avenue and north of Stone Church Road East, in the Randall Neighbourhood, Hamilton.

DVC:er
Attach.

cc: D. J. Consoli, City Treasury Department
L. Farr, City Solicitor's Office



Corporation of the City of Ha

Memorandum

5.

TO: Alderman J. Smith, Chairman
Planning and Development Committee

YOUR FILE:

FROM: John Thompson, Secretary
Finance Committee

OUR FILE:

PHONE: 526-2729

SUBJECT: COMPREHENSIVE AUDIT -
COMMUNITY DEVELOPMENT DEPARTMENT

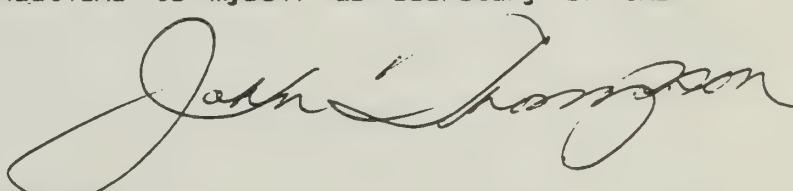
DATE: 1989 September 22

This refers to your memorandum to Alderman Wm. M. McCulloch dated 1989 September 13 regarding the Comprehensive Audit Report on the Community Development Department which was presented to the Finance Committee at its meeting held 1989 September 19 for consideration and recommendation.

This is to inform you that the Finance Committee approved your request to refer the subject report to the Planning and Development Committee for review and comment.

By copy of this memo, I have taken the liberty of forwarding a copy of the Comprehensive Audit report to Mrs. Susan Reeder, Secretary, Planning and Development Committee for duplication and distribution to the Members of your Committee.

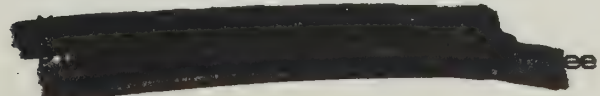
Following review of the report by your Committee, would you please forward any comments and/or recommendations to myself as Secretary of the Comprehensive Audit Sub-Committee.



JT:mjw

c.c. Alderman Wm. M. McCulloch, Chairman
Finance Committee

Alderman J. Gallagher



Mr. E. C. Matthews
Treasurer

Mr. E. Kowalski, Director
Community Development Department

THE CORPORATION OF THE CITY OF HAMILTON
COMPREHENSIVE AUDIT REPORT
THE DEPARTMENT OF COMMUNITY DEVELOPMENT

December, 1988

TABLE OF CONTENTS

	Page
1.0 EXECUTIVE SUMMARY	1
2.0 PURPOSE OF THE PROJECT	3
3.0 SCOPE OF THE INVESTIGATION	3
4.0 OBSERVATIONS AND RECOMMENDATIONS	4
4.1 The Department as a Whole	5
4.2 Recommendations	9
5.0 OBSERVATIONS AND RECOMMENDATIONS: OPERATING UNITS	9
5.1 Community Renewal	9
5.2 Housing Loans	11
5.3 Hamilton Waterfront Project	14
5.4 Municipal Non-Profit Housing Corporation	16

APPENDIX 1: The Attributes of Effectiveness

APPENDIX 2: List of Names and Titles of Interviewees

1.0 EXECUTIVE OVERVIEW

A review team was engaged in October of 1988 to conduct a comprehensive audit of the Department of Community Development. The purpose was to determine how effectively the Department uses its resources and recommend ways to reduce costs or improving the quality of service without incurring additional costs. The key findings of the review team are as follows:

- the Department is generally well run from the standpoint of management direction, systems, procedures and internal structure;
- the non-profit housing unit does not operate effectively because the general manager:
 - has insufficient skilled staff,
 - has limited access to experts from other city departments,
 - is not accountable for the funds provided by the province to administer and develop non-profit housing units;
- the Housing Loans unit is widely admired for its cautious but innovative loan practices. Provincial and federal funds are used when available. An exception is OHRP which has accumulated over \$2,600,000 in the city treasury because current program guidelines restrict the number of eligible cases. This accumulation is common to all large cities in Ontario, and the province will resolve the matter shortly;
- there is no way to determine whether the general public is satisfied with the services received from the department, or whether the time which project managers spend on individual projects is reasonable, since there are no systems to collect such information;
- the department contributes to the planning and managing of the Waterfront project and Non-Profit Housing Corporation but since these are developmental projects, the key decisions are being made by City Council Committees; and
- the department provides a variety of apparently desirable but non-essential services for the City.

Our recommendations are presented below. The mandate of this study did not extend to an examination of the functioning of the city council committees. Therefore, we cannot make specific recommendations regarding decisions made at that level since further study would be required. Our recommendations are limited since the Department is generally well-managed. These recommendations are:

- the Department of Community Development should take a more proactive role in evaluating its own effectiveness through the development of a program which includes:
 - setting clear and specific operating objectives, based on operating plans, for each member of the Department on an annual basis and evaluating performance against objectives;
 - recording time allocated by each member of the Department to project and to non-project activities in order that the time spent in each operating area can be reviewed periodically and appraised for rationality and adequacy.
- the Co-ordinator of Housing Loans should use his current information about those who refuse loans to develop applicant screening criteria to save staff time in completing unused applications;
- the general manager of the Non-Profit Housing Corporation (NPH) should be given the responsibility, and be held accountable, for using provincial funding to manage the non-profit corporation;
- the NPH general manager requires a construction foreman and full-time clerical assistance;
- the NPH general manager should put the property management contract out to tender to encourage the Kiwanis to improve their financial management systems and reduce their management fees;
- the NPH general manager should prepare a report for council on the advisability of investing in land banking in areas of the city slated for major renovations or replacement 5 years hence; and

- the NPH general manager should prepare a report for council summarizing the staffing, organization policies and costs of those non-profit housing corporations which report operating within the funds provided by the province.

Our findings indicate that there has been significant improvement in operations of the Department of Community Development over the last two years. Many historic problems have been eliminated through the introduction of effective means of co-ordinating and planning with other departments.

Many interviewees agreed that the people of Hamilton would soon start to have to make up the shortfall between what the province pays to develop and operate non-profit housing and what these services cost the City. We believe that costs are escalating because the general manager does not have the authority or the information to manage the corporation efficiently.

The NPH management changes recommended in this report could save approximately \$100,000 during the coming year; the recommended reports to Council will help clarify what the City has to pay for non-profit housing so that a decision can be made as to whether or not this service should be continued.

It was not our mandate to conduct an organization study, but we could not help noting that there is another non-profit housing activity conducted by the City in providing houses for seniors through another department. There may be excellent reasons to have two non-profit housing operations within the City, but we suggest that consideration should be given to integrating these services.

In examining other options for cost savings, we can also consider the more extreme case which may arise if the City is suffering from a significant budget deficit. The Department of Community Development seems to provide a range of desirable services, but they are not essential services such as water and sewage.

Housing loans and business improvement area services could probably be eliminated with little inconvenience to the people of Hamilton. There are also several private sector non-profit housing organizations in the community willing to take over the City's units. However, most of the funds for program delivery in these units of the Department come directly from the province or, in the case of the business improvement areas, from taxes to local business owners.

The Waterfront Project, on the other hand, may cost the City over \$1,000,000 for land removal and consulting services in 1989. However, these expenditures cannot be stopped since the Ministry of the Environment has demanded that the land clean-up be completed, regardless of the use to which the site is put.

In summary, the most extreme case for saving money--by eliminating the Department altogether--may save only \$100,000 to \$200,000 in salaries and incidental costs per year, depending upon how staff re-assignments are made. Since housing loans generate some revenue, this extreme course of department closure would not be reasonable unless the City was concerned about a significant budget deficit.

2.0 PURPOSE OF THE PROJECT

The audit was conducted in order to:

- review the effectiveness of the Department of Community Development in delivering services for which it is responsible; and
- recommend ways to reduce the cost of service delivery or improve the quality of service without incurring additional costs.

3.0 SCOPE OF THE PROJECT

The review team was instructed to focus upon the internal operations of the Department of Community Development. The recommendations will reflect the limited perspective which is characteristic of the review of one department within a larger organization.

The elements of departmental effectiveness which the review team examined are listed below:

- management direction;
- relevance of key activities;
- appropriateness of structure and process;
- achievement of intended results;
- acceptance by constituencies;
- secondary impacts;
- costs and productivity;
- financial results;
- working environment;
- protection of assets; and
- monitoring and reporting.

* Each of these elements is defined in greater detail in Appendix I.

The review focused on **current** operations. Problems which have occurred in the past--and which are unlikely to occur again because of changes in policy, procedures or organization--were not subjects of investigation for this review.

Interviews were conducted with members of the department, city officials and city employees who interact with the department, members of the public, members of relevant provincial and federal government departments, and individuals responsible for similar programs in other cities and municipalities. The names and titles of the interviewees appear in Appendix 2. Key documents concerning the department's objectives, activities, results, and systems were also examined.

4.0 OBSERVATIONS AND RECOMMENDATIONS: THE DEPARTMENT

Section 4.0 of the report is concerned with our observations and recommendations concerning the department as a whole. Section 5.0 presents the observations and recommendations for each of the four units of the department, i.e., Community Renewal, Housing Loans, the Waterfront Park project, and Non-profit Housing.

Both Section 4.0 and section 5.0 are organized as follows:

- **observations** - a brief overview of purpose, process and structure;
- **findings** - specific findings in relation to the attributes of effectiveness outlined under "Scope of the Investigation"; and
- **recommendations** - recommendations for improving effectiveness and/or saving public monies.

4.1 The Department

Our comments on the department as a whole focus on findings and recommendations which generally apply to all units or to general department management.

4.1.1 Observations

The Department of Community Development was created in 1972 following a management review by a private consulting firm. The department was originally designed to:

- oversee the application of minimum standards bylaws; and
- complete the implementation of three urban renewal programs.

In the early 1980s, the department became responsible for implementing the downtown action plan. As late as 1987, the department assumed responsibility for the Waterfront Park project and the Municipal Non-Profit Housing project.

With a capital budget of approximately \$60 million, the purpose and objectives of the department, as stated in the 1988 current estimates report, is to plan for, and implement community/housing renewal programs and activities within the city of Hamilton as well as the Waterfront Development and the Municipal Non-Profit (Hamilton) housing corporation.

4.1.2 Findings

The review team has drawn the following conclusions about the overall effectiveness of the department:

- employees are clear with respect to their roles, co-ordinating meetings are held as appropriate and authority is appropriately delegated;
- key activities are relevant and appropriate to the departmental objectives;
- the department is appropriately organized internally for the services it delivers;
- objectives are generally achieved as planned, with the exceptions being in the newer developmental areas in which the department does not have sufficient authority to act, i.e., Waterfront planning and non-profit housing;
- the department seems to deliver adequate service to the members of the general public as well as other departments with which it interfaces;
- the secondary impacts of department activity, (e.g., generating business for housing renovators and construction companies, or rezoning property) seems, to be generally beneficial to the community;
- the department is generally operated within its budget, although the indirect costs of managing the Non-profit Housing Corporation to other departments are neither included in the department budget nor adequately documented to assess cost-efficiency;
- productivity of the department cannot be directly assessed due to a lack of time records by project, but overstaffing is not in evidence;
- the department has shown considerable capacity to respond to problems that have arisen in interaction with other departments and the public and is likely to remain responsive to changes in its complex operating environment;
- appropriate safe guards for the protection of assets are present and monitored to various degrees by the Treasury Department, the City's auditors, and the CHMC and the Ministry of Housing;
- monitoring and reporting of activities within the department and between the department and the City Administrator and City Council is generally appropriate;

- apart from an apparent shortage of staff in one area, the work environment is suitable for the department's mandate and objectives, and the working atmosphere is positive and progressive; and
- the department has continued to improve its policies and procedures to reduce communications and coordination problems between the execution and those of other departments or committees of Council.

Our concerns lie in the following areas:

- there is no formal system for evaluating the quality of services provided by the department, nor does the project management system enable one to assess level of effort against outputs achieved;
- interviewees from other departments, and from other organizations that interact with the department often comment upon a lack of action-orientation and leadership in the Department of Community Development. These comments are difficult to translate into objective terms. This may reflect a failure on the part of the Director of the department or on the part of other departments to specify in a sufficiently clear manner the specific accomplishments required or expected of this department;
- the unit managers, as seen by other departments are performing their jobs in a competent fashion, but the general lack of technical expertise and experience seems to limit the credibility of the department as far as significant decision-making is concerned;
- although the department's authority to act is limited by the Council sub-committees to which it reports, on matters of the Waterfront development and non-profit housing, it is often viewed as being responsible for running behind schedule and over-budget in these areas;
- many interviewees commented spontaneously that the Department of Community Development is "too small" and should be integrated with other departments. No one suggested that there was any rush for this decision or that there would be significant public funds to be saved. It was not within our mandate to investigate this matter further, but some of the comments by interviewees were:

- . the Waterfront Park project is small now, but it will soon be quite large and complex requiring a new manager, a new focus and completely separate operating environment,
- . the park's component of the Community Renewal project might be better integrated with the evolving Parks Development Unit within the Department of Public Works,
- . the Housing Loans Unit might fit more appropriately within the Treasury Department or within the property department,
- . the Non-profit Housing Corporation is getting large enough to call for a completely separate corporation with a general manager reporting directly to the Board rather than through a department head.

A number of concerns which have been expressed regarding the Department of Community Development turn out to be as much the responsibility of other departments. For example, there are concerns regarding the design of some specific aspects of community renewal projects. Often these concerns relate to the fact that the design of development programs includes items that are difficult for the public works department to maintain. However, there are now opportunities, early in the process of planning, for public works to input on the maintenance requirements of individual items. We believe that some of the problems that have been identified are to be expected. Others are the result of work loads across the departments involved.

4.2 Recommendations

The review team offers the following recommendations:

- the Department of Community Development should take a more proactive role in evaluating its own effectiveness through the development of a program which includes:
 - . setting clear and specific operating objectives, based on operating plans, for each member of the Department on an annual basis and evaluating performance against objectives; and

- recording time allocated by each member of the Department to project and to non-project activities in order that the time spent in each operating area can be reviewed periodically and appraised for rationality and adequacy.

5.0 OBSERVATIONS AND RECOMMENDATIONS: DEPARTMENT UNITS

This section presents the finding from the review of the Community Renewal, Housing Loans, Waterfront Property, and Non-profit Housing units.

5.1 Community Renewal

5.1.1 Observations

As outlined in the 1988 Annual Report, the Community Renewal section of the Department of Community Development addresses the revitalization of older business areas and/or neighbourhoods within the city of Hamilton. Revitalization projects fall into three basic categories: (1) Business Improvement Areas (BIA Concept) wherein assistance is provided to business groups in mobilizing to renew business areas within the city; (2) Central Business District (CBD) redevelopment known as the Downtown Hamilton Action Plan (DHAP); and (3) the Neighbourhood Renewal Project encompassing the Commercial Area Improvement Program (CAIP) and the Ontario Neighbourhood Improvement Program (ONIP) which were combined in 1987 and entitled the Program for Renewal, Improvement, Development and Economic Revitalization (PRIDE). This program allows a municipality to make application to the Ministry of Municipal Affairs for financial assistance for redevelopment to the commercial, residential and industrial elements of a target area.

5.1.2 Findings

The review team has a favourable overall report with respect to the management of the Community Renewal Program. In particular, we note the following:

- members of the unit operate with clear purpose and management direction;

- services offered by the unit continue to be relevant to the overall objective of the Department and are well received by members of the public;
- overall costs of the department are appropriate, and adequate checks and balances exist for the protection and distribution of assets; and
- the unit has shown considerable responsiveness to the concerns of both external constituents and internal operating departments, as well as considerable flexibility in developing appropriate systems to promote smooth and effective working relationships.

The review team points to the following findings of concern:

- there are no formal, ongoing measures of effectiveness for the unit. The unit does not, in any way, seek to determine its own effectiveness in implementing its mandate of providing services to the public;
- while various constituencies report highly favourable interactions with the community renewal program, the department is not staffed with individuals who have technical backgrounds in operating areas. Staff members generally have behavioural science backgrounds which facilitate community work more so than physical development needs;
- both members of the public and of other operating departments cite "unnecessary delays" in community renewal projects. The review team has not uncovered unequivocal examples of avoidable delays; and
- there is a tendency for urban renewal plans to outstrip the capacity of the maintenance function in spite of systems now in place to minimize such problems.

Internally, there are good reasons for the methods of operation utilized by the Community Renewal Unit. Many "unnecessary delays" would be difficult to avoid. Similarly, it is natural for there to be some tension between enthusiasm for new exciting development programs and practical aspects of implementation. It is the view of the review team that the findings above do not reflect significant departures from prudent process.

5.2 Housing Loans

5.2.1 Observations

As outlined in the 1988 Annual Report, the Housing Loans Section of the Department of Community Development that administered rehabilitation loan and grant programs since their formation by the Federal and Provincial governments in late 1974. The department currently implements 18 different programs and administers several loan and grant programs for the town of Dundas and the Township of Flamborough.

Since 1974, the Department has administered \$16,603,071 in rehabilitation loans—an average of \$1,185,000 per year. The total number of applications approved has been 3,289—averaging about \$5,050 per application.

The Ontario Home Renewal Program (OHRP) was funded on a per capita basis by the government until 1982. OHRP accounts for 40% of all the approved applications and the value of the loans (\$5,457,837) accounts for 33% of the total loans since 1974. The Residential Rehabilitation Assistance Program (RRAP) is a federal program administered nationally by the Canada Mortgage and Housing Corporation which provides Municipality with yearly allocation. RRAP accounts for 45% of all applications approved by the department and the value of the loans (\$6,114,066) accounts for 37% of all loans which have been managed by the department since 1974. The Provincial Low-Rise Rehabilitation Program (PLR) provides grants from a province of two-thirds of rehabilitation costs and is given in accordance with an allocation provided to the Municipality. PLR accounts for 7% of all applications and the value of the loans (\$3,222,622) accounts for 19% of total loans since 1974.

5.2.2 Findings

The review team has a favourable report with respect to the management of the Housing Loans Program. In particular, we note the following:

- provincial and federal funding agencies report that, compared to other municipalities, the Hamilton housing loans unit excels in:
 - . using all or most of its allocated loans or grant money;
 - . providing ideas and constructive assistance in federal/provincial housing program design and housing program policy issues,
 - . management of its financial resources.
- there is a clear delegation of roles and responsibilities with appropriate control by the manager of the section for the actual approval of each loan, selection of contractors, and monitoring of pay-backs;
- staff education levels and qualifications are appropriate for the volume of work and adequate checks and balances exist to ensure that loan recipients, the nature of the work to be done and the selection of contractors meet the regional management standards; and
- leadership and management judgement are exhibited in the selection and management of contractors and in promoting those which appear to be most cost effective and appealing to both the municipality and to applicants.

The review team notes the following concerns:

- management of the OHRP money which, until 1982 was funded by the province, has resulted in the Department having a "cushion" of \$2,600,000. The province may consider making more people eligible for this loan money (discussions are presently in progress);
- provincial auditors noted that the manager of the housing loans should have direct access to the current status of each loan, but that this information was available only through an exceptional request to the Treasury department; and
- the 50% of loan applications which do not lead to a loan take up 90% of the staff time required for a successful application. Yet, there are no plans to reduce the number of non-approvals before full applications are completed.

On the whole, the Housing Loans Program is well managed. It makes good use of the money available through federal and provincial resources to rehabilitate residential and commercial units in Hamilton. It is more conservative than other municipalities with respect to (1) retaining funds earned through loan repayments and interest payments which many other municipalities recycle into the community, (2) creating somewhat more stringent financial conditions for OHRP applicants than other municipalities, and (3) controlling how loan recipients spend their money.

5.2.3 Recommendations

The review team recommends:

- the Co-ordinator of Housing Loans should use his current information about those who refuse loans to develop applicant screening criteria to save staff time in completing unused applications.

5.3 Hamilton Waterfront Park Project

5.3.1 Observations

In November 1984, the city of Hamilton expropriated approximately forty acres of waterfront lands in its west harbour area. This land was to be used for the creation of a waterfront park characterized by civic, cultural and recreational activities. The primary goals of the project were to broaden and develop the economic base of the city and to maximize benefits to the city, region and province. In particular, there was interest in creating a different image of Hamilton and in providing a free space to the public.

In 1987, responsibility for the implementation of the waterfront park project was transferred to the Department of Community Development from the architect's office. Overall planning and control of the project rests with the Waterfront subcommittee, the Parks and Recreation committee and, ultimately, with city council.

The current tasks of the Waterfront Parks unit of the Department of Community Development are to co-ordinate:

- an environmental assessment project;
- a landfill clean up project and related investigations; and
- an economic and management assessment project.

Future requirements of the role will be dependent upon the results of these activities. The exact nature of the Waterfront Park is yet to be determined. As a result, the exact nature of management and co-ordination activities required is still in question.

5.3.2 Findings

The review team cites the following findings regarding the operations of the Waterfront Park project:

- Activities being undertaken by the co-ordinator of the parks project are appropriate in every sense and reflect appropriate liaison with all relevant constituencies;
- appropriate investigations required for the effective implementation of the Waterfront project are being undertaken, including those related to waste management, environmental impact and economic and management assessment;
- appropriate controls over on-site activity have been developed;
- all precautions are being taken to spend monies wisely through competitive bids, treasury controls, etc.; and
- appropriate control through the Solicitor's office is now being incorporated into requests for proposals and contracts.

Before the department had responsibility for the Waterfront Park project, there were significant questions regarding the appropriateness and effectiveness of project management. In particular, the investigation of requirements and controls surrounding

the removal of contaminated soil from the Lax properties appears to have left much to be desired. However, all current activities with respect to the removal of contaminated soil, as well as environmental assessment and economic and management assessment, seem appropriate. In fact, interviewees for this current review generally report significant improvement in the overall management of the Waterfront Park project.

The Waterfront Park co-ordinator has shown sufficient capacity to effectively oversee current operations. Since there is a plan in place to monitor the ongoing structural needs of the Waterfront project as new information is received, the review team believes that all appropriate action is being taken to promote ongoing effectiveness. However, the project may soon move from the \$4 million stage to the \$50 million stage. The present co-ordinator is doing well, but is working near the upper limits of his technical skill and experience with large projects. He is developing his capabilities, but the demands of the project may quickly outstrip his personal rate of development.

5.4 Municipal Non-Profit Housing Corporation

5.4.1 Observations

The Municipal Non-Profit Housing Corporation was established in 1985 to provide rental housing appropriate for those with low and moderate incomes. The Corporation is involved in housing construction, housing management and housing research. Since 1985, 192 units have been completed in three locations: Upper Paradise Road; Limeridge East; and Stonechurch East. Property management and rental administration is provided by Hamilton East Kiwanis Non-Profit Homes. Projects under construction included 37 units in a renovated school building, but they were recently destroyed in a fire during construction. Other current projects include 10 townhouses and 66 units on Upper Ottawa and Limeridge roads. Research has been done by the Corporation on housing issues related to the need, affordability, optimal location, incentives and community acceptance.

The Non-Profit Corporation is staffed by a general manager, supported by a half-time clerk. The Corporation receives, from the province, 6% of the operating costs (or, in one instance, 6% of the gross rent revenue) of completed units for administration. Last year, the Kiwanis retained 4.4% of total administrative costs leaving 1.6% available to the city for recovering its own administrative costs on items such as additional time required by staff, treasury department and the real estate department. The salaries for employees in the DCD who work on non-profit housing are covered primarily by the provincial allowance of 2% of capital costs of buildings under construction.

5.4.2 Findings

The review team has drawn the following favourable conclusions:

- the quality of the housing currently being built, as well as that which has been completed, is as good as that done by private non-profit sector competitors;
- the management of the existing units has been done by the Kiwanis with a minimum of problems either in day-to-day administration or in the selection of tenants; and
- the general manager of the corporation maintains good communications with other departments with which he must interact (real estate, treasury, planning) and is very actively involved with daily developments in the properties under construction.

The review team has the following concerns about the Non-Profit Housing Corporation:

- the professional qualifications and the experience of the general manager are in planning rather than construction, yet his primary activity is to oversee the construction of \$7.8 million worth of units this year;
- the general manager has no background in the field of property management or rental administration but is expected to monitor the performance of an organization managing 192 units with revenues of over \$500,000;

- while no one questions the honesty of the Kiwanis management team, several sources have indicated that the precision with which financial records have been kept has been less than adequate;
- the general manager has no financial accountability, limited financial information, and must purchase services from other departments. The Corporation is likely to overspend its budget under such circumstances;
- the management of this corporation requires expertise in the fields of construction management, accounting and real estate search/negotiation services. These services are provided by other city departments, but only when staff time can be made available;
- it is difficult for the general manager to meet his objectives with respect to administrative work, housing policy development, research construction supervision and property management supervision with only the help of one part-time clerk; and
- there are several local private sector non-profit housing corporations in Hamilton. The City Corporation has not used its zoning powers or purchasing power to create building lots which may not have been available to the private sector. It does not provide substantially better quality housing, more attractive housing or more efficiently managed housing than its private sector competitors. It is not clear, therefore, what need the City Non-Profit Housing Corporation is meeting that could not have been met by the private sector.

To date, both of the general managers of the Corporation have lacked the qualifications, and/or technical staff support, for this position. Both managers had training in planning—not in construction management and not in property management. While cause and effect relationships are difficult to establish, it is worth noting that there have been persistent problems with the quality of construction of the first units. These still require attention to correct.

There have been delays in the construction on properties currently underway which have been attributed to either the lack of time of the present general manager or his lack of the aggressiveness and/or building experience.

Of course, given the volume of work and lack of staff, even a well-qualified person would have considerable difficulty in keeping control of this situation. The general manager simply doesn't seem to have adequate resources to stay on top of the job in the longer run.

5.4.3 Recommendations

We cannot deal with the issue of whether or not the city should be in the non-profit housing business. We are assuming that the corporation will continue to function and that there will be continuing emphasis upon finding land for development.

We have also noted that there is a second non-profit housing department in the city. It was not within our mandate to examine the organizational issues, but we found it unusual that such apparently similar services were operated independently. Perhaps consideration should be given to putting all non-profit housing in one department.

We understand that a motion will be put forth to council for an additional allocation of funds to assist the corporation in its operations. Staff will be employed by the property department, the city treasury and the corporation itself. Our review of Non-Profit Housing Corporations in other parts of the province suggests that it is possible to manage non-profit housing corporations within the budget allocated by the provincial government. This may be difficult to accomplish in Hamilton if the NPH manager's staff report to other department heads, and financial information and decisions are the responsibility of yet another department.

Our recommendations are as follows:

- the NPH general manager should be given the responsibility, and be held accountable, for using provincial funding to manage the non-profit corporation;
- the NPH general manager requires a construction foreman and full-time clerical assistance;

- the NPH general manager should put the property management contract should be put out to tender to encourage the Kiwanis to improve their financial management systems and reduce their management fees;
- the NPH general manager should prepare a report for council on the advisability of investing in land banking in areas of the city slated for major renovations or replacement 5 years hence; and
- the NPH general manager should prepare a report for council summarizing the staffing, organization policies and costs of operation for non-profit housing corporations which report that they are operating within the funds provided by the province.

APPENDIX 1

THE ATTRIBUTES OF EFFECTIVENESS

THE ATTRIBUTES OF EFFECTIVENESS

Management direction: the extent to which the objectives of an organization, its component programs or lines of business, and its employees, are clear, well-integrated and understood, and appropriately reflected in the organization's plans, structure, delegations of authority and decision-making processes.

Relevance: the extent to which a program of line of business continues to make sense in regard to the problems or conditions to which it is intended to respond.

Appropriateness: the extent to which the design of a program or its major components, and the level of effort being made, are logical in light of the specific objectives to be achieved.

Achievement of intended results: the extent to which goals and objectives have been realized.

Acceptance: the extent to which the constituencies or customers for whom a program or line of business is designed judge it to be satisfactory.

secondary impacts: the extent to which other significant consequences, either intended or unintended and either positive or negative, have occurred;

costs and productivity: the relationships among costs, inputs and outputs;

responsiveness: an organization's ability to adapt to changes in such factors as markets, competition, available funding or technology;

(ii)

financial results: the matching of, and the accounting for, revenues and costs and the accounting for and valuation of assets, liabilities and equity;

working environment: the extent to which the organization provides an appropriate work atmosphere for its employees, provides appropriate opportunities for development and achievement, and promotes commitment, initiative and safety;

protection of assets: the extent to which important assets - such as sources of supply, valuable property, key personnel, agreements and important records or information - are safeguarded so that the organization is protected from the danger of losses that could threaten its success, credibility, continuity and, perhaps, its very existence; and

monitoring and reporting: the extent to which key matters pertaining to performance and organizational strength are identified, reported and carefully monitored.

APPENDIX 2

LIST OF NAMES AND TITLES OF INTERVIEWEES

LIST OF NAMES AND TITLES OF INTERVIEWEES

NAME	TITLE
Lou Sage	Chief Administrative Officer, Chief Administrative Officer's Office
Jim Thoms	Commissioner, Department of Planning and Development
Victor Abraham	Director Local Planning, Department of Planning and Development
David Godley	Manager Neighbourhood Planning, Department of Planning and Development
Dan Vyce	Director, Property Department
Joe Pavelka	Director, Public Works Department
Russ Nutley	Manager, Parks Division, Department of Public Works
Doug Onishi	Director, Engineering Services, Municipality of Hamilton
Don Heintz	Project Maintenance Engineer, Public Works Department
Roland Karl	Planning Engineer, Traffic Department
Ernie Seager	Chairman, Waterfront Park Sub-Committee
Doug Farquhar	Supervisor, Administrative Services, Culture and Recreation
Audell Schimmel	Director, Culture and Recreation
Ed Matthews	Treasurer, City Treasury Department
Roy Hammel	Manager of Budgets, City Treasury Department
Doug Goodman	Assistant Supervisor, Taxation, City of Hamilton

Brian Hill	Senior Accounting Clerk, City Treasury Department
Rand Roszell	Solicitor, City Solicitor's Department
Ed Kowalski	Director, Department of Community Development
Kevin Christenson	Co-ordinator, Waterfront Project, Department of Community Development
Jackie McNeilly	Co-ordinator, Community Renewal, Department of Community Development
Bill Janssen	General Manager, Co-ordinator of Non-profit Housing, Department of Community Development
John Robinson	Co-ordinator Housing Loans, Department of Community Development
Hazel Milsome	Administrative Assistant II, Department of Community Development
Don Ross	Alderman, Ward 8, Hamilton
David Christopherson	Alderman, Ward 4, Hamilton
William McCulloch	Alderman, Ward 2, Hamilton
Rosemary Campbell	Past General Manager and Co-ordinator of Non-profit Housing, Hamilton
Louie Seraphini	Private Sector Development Consultant and Non-profit Housing Manager, Hamilton
Carol Nixon	Executive Director, Business Improvement Area, Downtown Burlington
Gabriel Etele	Executive Director, Business Improvement Area, Downtown Hamilton
Gwen Maloney	Manager, Regional Office, Ministry of Housing, Hamilton
Nancy Laver	Branch Manager, Canadian Mortgage and Housing Corporation, Hamilton
Ray Stewart	Technical Support Manager, Ministry of Environment

Sybil Fernette	General Manager, Kitchener Housing Corporation
Bruce Langer	Housing Manager, Ajax Municipal Housing Corporation
Keith Extance	Housing Analyst, Non-profit Housing, Peel Region
Murray Engel	Chief Administrative Officer, City of London
Charles Towlsey	Manager of Property & Planning, Hamilton Harbour Commission
Harry French	Vice President, Planning Division, Marshall, Maclin, Monaghan
Gillian Booth	President, Bar Environmental
Robert Dowler	Co-ordinator, Policy & Program, Ministry of Housing
Sam Carr	Manager, Program Administration, Ministry of Housing

FOR ACTION

6a.

REPORT TO: Mrs. S. K. Reeder.
Secretary, Planning and Development Committee

FROM: Mr. T. Bradley
Manager of Purchasing

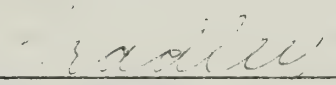
DATE: 1989 October 6
COMM FILE:
DEPT FILE: T14-12-89

SUBJECT: FABRICATE AND DELIVER NINETY (90) REFUSE CONTAINERS, PHASE IV
DOWNTOWN ACTION PLAN

RECOMMENDATION:

That a purchase order be issued to Lindsay Steel Fabricating Ltd., Lindsay, in the amount of \$62,052.00 for the fabricating and delivery of Ninety (90) Refuse Containers, Phase IV Downtown Action Plan in accordance with specifications issued by the Manager of Purchasing and Vendor's tender.

NOTE: Lowest of seven (7) tenders received. Funds provided in Phase IV Downtown Action Plan Account #CF5200 428803003.


T. Bradley, Manager of Purchasing

FINANCIAL IMPLICATIONS: (IF NONE, STATE N/A)

BACKGROUND:

As requested by the Committee, attached are reports from the Public Works and Community Development Departments. There will be photographs available at your next meeting.

Lindsay Steel Fabricating Ltd., Lindsay	\$ 62,052.00
Dan's Welding & Fabricating Ltd., Burlington	80,635.58
Lyons Industries, Brantford	81,622.00
Lancaster Sheet Metal, Hamilton	125,000.00
Mitchell Industries Inc., Hamilton	125,550.00
Walter's Welding & Iron Works, Hannon	123,850.00
Riddell Sheet Metal, Hamilton	132,753.00

The specifications required the suppliers to provide a bid bond and an indication that they could provide the necessary performance surety or their tender may be rejected. The company being recommended did not include these documents. After checking with five different references that use this company we found them to be a very reputable supplier. Therefore, we contacted the officials of Lindsay Steel and they will provide the necessary surety. This will save the Corporation \$18,500 over the price of the next bidder.

FOR INFORMATION

REPORT TO: Mrs. S. K. Reeder
Planning & Development

FROM: Mr. J. G. Pavelka, P.Eng.
Director of Public Works

DATE: 1989 October 6
COMM FILE:
DEPT FILE: 89-2000

SUBJECT: Garbage Containers

BACKGROUND:

The garbage along King Street between Wellington and James Streets is picked up from the alleyway, north of King Street.

Since this is one of the oldest sections of Hamilton, the alleyways are not wide enough for delivery and garbage trucks. The enclosed picture will show how a truck tried to enter the alleyway. Since there is only an 8" clearance on both sides of the truck's mirrors, there is no way to dodge the garbage.

The merchants are placing their garbage in the alleyway on a daily basis, rather than keeping the garbage within their stores. There is only one pick up a week (Tuesdays), and this causes a problem because the alleyway is being narrowed with the accumulation of garbage. Trucks are entering the alleyway for deliveries every day of the week. Once a truck can't go around the garbage, they drive over the garbage bags and boxes. The loose garbage, until the next pick up day, will be carried through the alleyway.

On windy days or nights, the garbage will blow out of the alleyway and onto the streets, thus carried by the motoring traffic in all directions. This causes a great deal of litter and debris, as well as an eyesore, for the uptown area.

This has been an ongoing problem for years and it is getting worse.

Therefore, we have done a study on this alleyway and came up with the design of a garbage container. The container is 5' or 6' in length, depending on the availability of space, 2.5' deep and 36" high and the lid is designed to stay locked once it is closed. This will prevent other area residents from using this container to drop off their own household garbage. Each tenant or merchant will be supplied with a key. Also having a key would be the City garbage men picking up in this area.

With the understanding of both B.I.A.'s, all users will be instructed to place only closed garbage bags and folded down cardboard boxes in this bin. Since our garbage men only pick up garbage bags, and not loose garbage, any attachment or opening into this container would defeat the purpose of this container. Since this is not a container that can be lifted and dumped out, it would be very time

this is not a container that can be lifted and dumped out, it ;would be very time consuming to have it cleaned out by hand, if we should allow this container to be used for loose garbage or litter. We don't believe there will be a need for "litter containers" in the alleyways since there is a very low pedestrian traffic flow.

The containers requested for this area should last 10 years before they will have to be replaced. We feel it would be wise to budget each year over the next ten years, rather than budget once at the end of ten years. We don't foresee any additional maintenance costs for the pick up of these containers.

We do know it will keep the downtown area cleaner and will lesson the manual pick up of litter, and special trips going through the alleyway.

These containers will also allow us to send a street sweeper and flusher to clean the alleyway on a regular basis. This cannot be done now because we would first have to remove all the bags of garbage.

The pick up of garbage by the City's crews would stay the same. Because our men would not have to pick up loose garbage from the ground, the time spent for unlocking the container and removing the garbage will not increase. The usage of these containers will be closely observed by both B.I.A.'s and the City.

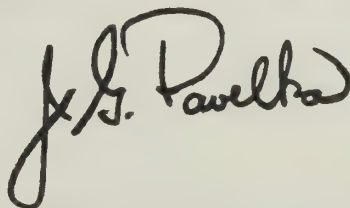
It shows from pictures 5 to 8, how the alleyway is kept clear, and at the same time, spotless clean.

The containers are to be set after a lengthy study in the alleyway. We would like to place it in such a location that is easy to get to by both the merchants and the tenants of King Street.

In conclusion, we feel that this container will not only keep the alleyway cleaner, but the garbage will be concealed from animals, the weather and vehicles using the alleyway.

Also, the Fire Department is delighted about this program because it will eliminate anyone setting fire to the garbage bags and loose garbage.

HR/jdh

A handwritten signature in dark ink, appearing to read "J. G. Pavellha". The signature is written in a cursive style with a large, looping initial "J".

Corporation of the City of Hamilton

Memorandum

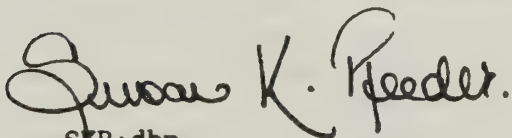
TO:	Mr. T. Bradley Manager of Purchasing	YOUR FILE:
FROM:	Mrs. Susan K. Reeder, Secretary Planning and Development Committee	OUR FILE: PHONE:
SUBJECT:	Fabricate and Deliver ninety (90) Refuse Containers, Phase IV Downtown Action Plan.	DATE: 1989 October 4

This will confirm that the Planning and Development Committee at its meeting held Wednesday, 1989 September 27, were in receipt of your report respecting the above-noted matter dated 1989 September 22.

As you are aware the Committee discussed this matter at some length and it was Alderman Hinkley's suggestion that the design be re-done in order to allow for a small opening labelled "litter" in order to allow people walking down the alleyways to deposit garbage. Presently these containers are accessible only by key.

The Committee also AGREED that when this matter is brought back to the Committee that pictures of the containers be shown as well as the cost for the maintenance and some input in the additional report from the Public Works Department on this purchase.

Would you please therefore follow through on this additional information being requested by the Planning and Development Committee and forward this matter back them.



SKR:dbm

c.c. - Mr. E. Kowalski, Director of Community Development
- Mr. J. Pavelka, Director of Public Works

FOR INFORMATION

6b.

REPORT TO: Mrs. S. K. Reeder
Secretary, Planning and Development Committee

FROM: Mr. E. W. Kowalski
Director of Community Development

DATE: 1989 October 6
COMM FILE:
DEPT FILE: 800-0602.4

SUBJECT: Phase IV of the Downtown Action Plan;
Refuse Containers

BACKGROUND:

In response to the Planning and Development Committee Members inquiries about the refuse containers proposed to be purchased for the Downtown Action Plan Study Area, the following will provide additional clarification.

On 1988 November 29, City Council approved Section 1 of the 23rd Report of the Planning and Development Committee which adopted the Sanitation Study recommendations as proposed by C. C. Parker Consultants under Phase IV of the Downtown Action Plan. These recommendations included Step 4 - "Designation of Specific Areas for Garbage Collection".

The Consultants have suggested that garbage containers that can be shared by a group of users be installed in specific areas in alleyways. Since these alleyways are too narrow for proper pick-up and storage of garbage, extra measures will be recommended to assist with a cleaner appearance. This, along with the other four of six recommended steps were proposed by the Consultants and approved by City Council for a nine month trial period. The Sanitation Implementation Committee, formed to implement these five steps, is working with the Keep Hamilton Clean Citizens Committee to promote cleanliness particularly within the Downtown Core. These garbage containers form an integral part of that endeavour. Alderman Hinkley, as Chairman of the Keep Hamilton Clean Citizens Committee, and the Downtown Promenade and International Village B.I.A.'s are front runners in this clean-up campaign.

cc: Mr. J. Pavelka, Director
Public Works Department

Mr. T. Bradley, Manager
Purchasing Department

Corporation of the City of Ha
Memorandum

7.

TO: Mr. V. Abraham
Director of Local Planning

YOUR FILE:

FROM: Mrs. Susan K. Reeder, Secretary
Planning and Development Committee

OUR FILE:
PHONE:

SUBJECT: Proposed renaming of a part of Cannon
Street West from Bay Street, westerly
to the intersection with York Boulevard
and Queen Street North.

DATE: 1989 October 5

As you are aware the Planning and Development Committee at its meeting held Wednesday, 1989 September 27 were in receipt of the above-noted report from Mr. Thoms, Commissioner of Planning and Development, dated 1989 September 20.

The Committee discussed this matter at some length and agreed to TABLE this matter until such time as the Ward Alderman, Alderman W. McCulloch was at the meeting to speak to this matter.

Accordingly, I will be placing this on the next Agenda for the Planning and Development Committee to be held on Wednesday, 1989 October 11.

SKR:dbm

c.c. - Alderman W. McCulloch

FOR ACTION

REPORT TO: SUSAN K. REEDER SECRETARY OF THE
PLANNING AND DEVELOPMENT COMMITTEE

FROM: J. D. THOMS
COMMISSIONER
PLANNING AND DEVELOPMENT

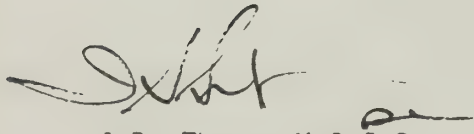
DATE: 1989 SEPTEMBER 20
COMM FILE:
DEPT FILES: D.6.2/415

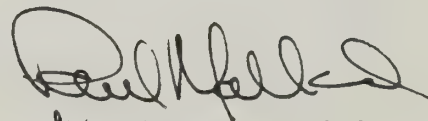
SUBJECT

Proposed renaming of a part of Cannon Street West from Bay Street westerly to the intersection with York Boulevard and Queen Street North.

RECOMMENDATION

That the Planning and Development Department be requested to solicit comments from owners of properties located on Cannon Street West, on that portion between Bay Street North and the intersection of York Boulevard and Queen Street North, respecting a requested street renaming to "Cannon Boulevard".


J.D. Thoms, M.C.I.P.
Commissioner
Planning and Development


K.J. Abraham, M.C.I.P.
Director
Local Planning

FINANCIAL IMPLICATIONS

N/A

BACKGROUND

Alderman McCulloch forwarded a request from Mr. J. Bethune to change the name of Cannon Street West, west of Bay Street, to Cannon Boulevard.

LOCATION

Cannon Street West generally extends in a westerly direction between James Street North, (the central street dividing streets into East or West section of streets), and terminates at the intersection of York Boulevard and Queen Street North. The portion of Cannon Street West proposed to be renamed is located west of Bay Street in the Central Neighbourhood.

COMMENTS

1. It is noted that there are a number of Commercial, Residential properties as well as Sir John A. McDonald Secondary School located on the section of Cannon Street proposed for a change of street name.
2. A count of property owners on both sides of Cannon Street, proposed for a change of name indicated that about 26 properties are located on this street.
3. Prior to any implementation of the request by Mr. J. Bethune, it would be appropriate to advise the owners on this portion of Cannon Street West of the proposal and to ask for their comments.

JLS:sw
WP0239



Location Plan For

CANNON STREET WEST

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend



Proposed Street Name Change
From: "Cannon Street West"
To "Cannon Boulevard."

North



Scale

N.T.S

Reference File No.

415

Date

SEPT. 13, 1989

Drawing No.

FOR ACTION

8.

REPORT TO: SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT COMMITTEE

DATE: Oct. 2/89

COMM FILE:

DEPT FILE: P7-5-1

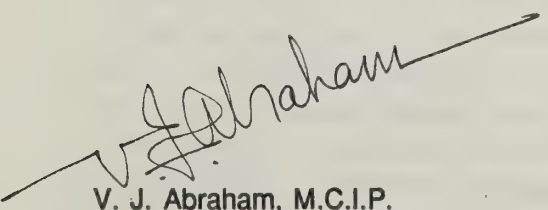
FROM: J. D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

SUBJECT: PROPOSED AMENDMENT 58/89 TO THE NIAGARA ESCARPMENT PLAN

RECOMMENDATION:

That the Planning and Development Committee recommend to Council that:

- (1) The Council of the Regional Municipality of Hamilton-Wentworth be advised that the City of Hamilton does not object to proposed Amendment 58/89 to the Niagara Escarpment Plan and that the modifications outlined in this report, be considered for introduction to the proposed Amendment; and,
- (2) The City Clerk be directed to inform the Council of the Regional Municipality of Hamilton-Wentworth regarding (1) above and forward a copy of this Report to the Region.


V. J. Abraham, M.C.I.P.
Director of Local Planning


J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

FINANCIAL IMPLICATIONS:

N/A

EXPLANATORY NOTE:

The Niagara Escarpment Commission has requested the City to submit comments to the Region of Hamilton-Wentworth on proposed Amendment 58/89 to the Niagara Escarpment Plan. The Amendment is intended to expand the Heritage Policies of the Niagara Escarpment Plan.

BACKGROUND:

The Niagara Escarpment Commission has invited the City of Hamilton to make comments to the Region of Hamilton-Wentworth regarding proposed Amendment 58/89 to the Niagara Escarpment Plan. (See attached Appendix "A"). The Amendment was initiated by the Commission and is intended to expand the Heritage Policies of the Plan. Specifically, the Amendment will introduce policies into the Plan which will allow exceptions to be made to the number of dwellings permitted per lot and the number of severances permitted, where the dwellings or structures involved are designated under the Ontario Heritage Act and are of national or provincial heritage value or interest.

COMMENTS:

The proposed Amendment will provide for a second dwelling on a lot which includes property with a single-family dwelling designated under the Ontario Heritage Act, and considered to be of provincial or national heritage value. It will also provide for approval of a severance where a single-family dwelling on a property is designated under the Ontario Heritage Act, and is considered to be of provincial or national heritage value.

There are two issues of concern that have been identified regarding the above-noted requirements.

- (1) In order to qualify for exemptions under the proposed Heritage Policies, buildings must be designated under the Ontario Heritage Act. Designation alone does not protect a building from demolition, it only provides a 180-day delay of demolition. With only designation in place, the N.E.C. could apply the proposed heritage policies, only to find that the building could be legally demolished six months later. Therefore, it is recommended that the N.E.C. consider requesting a heritage easement on the property when applying exemptions permitted under the proposed Heritage Policies. (Heritage easements can be assigned under Section 37(4) of the Ontario Heritage Act). With a heritage easement in place, a building can be protected from demolition in perpetuity. The easement could be arranged between the property owners and the municipality or the N.E.C.
- (2) The new Heritage policies will only be applicable when the heritage building is designated under the Ontario Heritage Act and is recognized as one of provincial or national heritage value or interest. The designated heritage building would have to be:

- o recognized by the Historic Sites and Monuments Board of Canada (an agency of the Ministry of the Environment); or,
- o marked by a provincial plaque or rated as such by the Ontario Heritage Foundation (an agency of the Ministry of Culture and Communications).

In Hamilton, there are 20 properties recognized as being of national or provincial heritage value, only one of which is located within the Niagara Escarpment planning area. If the proposed Heritage Policies were extended to include all municipally designated buildings in the Niagara Escarpment planning area, only two more buildings would become eligible in the City of Hamilton. As such, the total number of eligible heritage buildings is not likely to increase significantly, while at the same time, the prime importance of local heritage to the municipality would be recognized. As such, it is felt that the above-noted requirements are too restrictive, and that the proposed Heritage Policies should be extended to include buildings of local heritage value or interest as well.

CONCLUSIONS:

To conclude, the City should support proposed Amendment No. 58/89 to the Niagara Escarpment Plan. In addition, it is felt that the following modifications to the Amendment should be considered, to provide for more comprehensive and effective Heritage Policies:

- modification of the Amendment to include locally significant buildings, as well as buildings of provincial and national heritage value or interest; and,
- modification of the Amendment to require consideration of entering into a heritage easement when applying the proposed Heritage Policies.



Ontario



Niagara
Escarpment
Commission

Commission de
l'escarpement
du Niagara

232 Guelph Street
Georgetown, Ontario
L7G 4B1
(416) 877-5191

232, rue Guelph
Georgetown, Ontario
L7G 4B1
(416) 877-5191

APPENDIX "A"

August 11, 1989

Mr. J. A. Brezina
Clerk
City of Stoney Creek
Box 9940
Stoney Creek, Ontario
L8G 4N9

Dear Mr. Brezina:

Re: Niagara Escarpment Plan Amendment 58/89
Niagara Escarpment Commission
(To expand Heritage Policies of the Niagara
Escarpment Plan)

Pursuant to Subsection 12(2) of the Niagara Escarpment Planning and Development Act, the Commission invites the City of Stoney Creek to make comments to the Regional Municipality of Hamilton-Wentworth on the enclosed amendment to the Niagara Escarpment Plan.

The Act requires that the council submit its comments to the Regional Municipality of Hamilton-Wentworth by November 24, 1989.

Additional information regarding the amendment, may be obtained from the Niagara Escarpment Commission offices in Georgetown, Clarksburg and Grimsby.

Yours very truly,

G. H. U. Bayly
Chairman

cc: ~~J. Thoms~~
R. Marini
Mayor S. Napper

PROPOSED AMENDMENT No. 58 TO THE N.E. PLAN
(NIAGARA ESCARPMENT COMMISSION)

Recommendation:

That the NEC approve the attached amendment document as the proposed amendment to be initiated by the Commission.

August 3, 1989

PROPOSED AMENDMENT 58 TO THE N.E. PLAN

(Niagara Escarpment Commission)

(To amend the Heritage policies of the Plan.)

August 3, 1989

Table of Contents

Part A - The Preamble
Part B - The Proposed Amendment
Part C - The Appendix

Part A - The Preamble

Purpose: The purpose of the proposed amendment is to include in the Niagara Escarpment Plan policies allowing exceptions to be made to the number of dwellings permitted per lot and the amount of new lot creation permitted, where the dwellings or structures involved are designated under the Ontario Heritage Act, and are of provincial or national heritage significance.

Initiator: N.E.C.

Basis: Under subsection 12(2) of the Niagara Escarpment Planning and Development Act, the Niagara Escarpment Commisison may initiate a Plan amendment.

Based on the Niagara Escarpment Plan implementation experience since June 1985, the Commission considers it necessary to broaden the Plan's heritage policies to provide answers to the following questions:

- A1. Are there circumstances in which the preservation of the Plan's built/cultural heritage should take precedence over its natural heritage?
- A2. What level of heritage significance - local, provincial, national - justifies more permissive policies?
- A3. What is considered a proper record of a heritage feature (e.g. a house), which is going to be demolished or removed?

The Commission's deliberations in its search for answers to these questions are summarized in the following points taken from reports prepared by its Heritage Subcommittee.

- B1. The Niagara Escarpment Plan defines "heritage property" in Appendix 2 of the Plan, as "features in or on the land or underwater and considered to be a consultable record of past human activities, endeavours or events (e.g. buildings, street furniture, engineering works, planting and archaeological sites).
- B2. The Niagara Escarpment Plan stresses the importance of heritage properties (Part 2.11). While the Commission would not like to see valuable heritage properties torn down, neither would it want to see the Plan's natural heritage undermined in areas where there may be an abundance of old buildings.
- B3. All old buildings are not heritage buildings, nor are they worthy of designation as such.

Built and cultural heritage have three levels of significance:

- a) National, where the building is of sufficient architectural significance to the whole of Canada; or, of historical interest because the people who lived there or the events which took place in that building are of importance to the whole of Canada;
- b) Provincial, where the building or the people or the event is of importance to the province; and
- c) Local, where the building or the people or the event is of importance to the municipality in which it is located.

Even at the local level, what is considered important in one area may not be in another;

OR, standards of evaluation (e.g. the existing quality of a building, the number of alterations which have taken place, the manner in which new windows, siding, roofing, and other repairs or alterations have been made) may vary greatly. This is possible as the Ontario Heritage Act, 1974, gives to the local municipalities the right of making both the final criteria and the decision.

Given the above, it is necessary to consider more than simply the local significance of a heritage property.

- B4. Ideally, formal recognition of the built heritage significance of a property is provided by designation of the property by a municipal council under the Ontario Heritage Act. Generally, council passes a designation by-law on the advice of its LACAC. But where no LACAC exists, a council may still designate properties it considers worthy of such recognition.
- B5. Under the Niagara Escarpment Plan, when taking cognizance of the heritage importance of a building, it is possible for the Commission to refuse a demolition permit, thus saving a building which the local municipality may wish to designate, or for which there has been sufficient evidence given at a hearing for saving that building.
- B6. Should a building that is of interest historically or architecturally be threatened as the owner is unwilling to have it designated, or which must, for over-riding reasons be demolished or moved, a full photographic and architectural record must be made prior to demolition. (Thorold was not able to retain a lock keeper's house on the first Welland Canal, but a full record was made of the building of sufficient detail that it may be re-built at some later time).
- B7. One of the most troublesome policies of the Niagara Escarpment Plan is its restrictive policies which limit the creation of new lots. Another troublesome issue is the policy which permits a second dwelling on a lot only if the second dwelling is for farm help. A heritage property, therefore, must be of outstanding significance to justify the creation of more severances than are normally permitted by the Plan.

Similarly, the heritage value of a property must be exceptional, to justify giving the property the special treatment given to bona-fide agricultural operations in allowing a **second dwelling** on the lot.

After a great deal of discussion, the Commission adopted the following recommendations of its Heritage Subcommittee:

1. That the Niagara Escarpment Commission continue with its practice of consulting with the various municipalities and their Heritage Officers and with the Ontario Heritage Foundation Architectural Section for their comments should there be a request for a Development Permit or comment on Consent on what appears to be a Heritage property;
2. That based on the above knowledge the Niagara Escarpment Commission decide that where the property is of **significant import, architecturally and historically** and where the property is a **nationally or provincially** designated property, that, in general, second dwellings on lots may be permitted within certain parameters; and,
3. That (given #2) special Heritage severances be permitted;
4. That where a significant building cannot be saved, there should be proper records retained of that building in the forms stipulated by the Ministry of Culture and Communications prior to the issuance of a demolition or removal permit.

Part B - The Proposed Amendment

1. Part 1.4 Escarpment Protection Area of the Niagara Escarpment Plan is amended by the addition of the following subsection to the Permitted Uses section:

21. A second single family dwelling on a lot which includes property with a single family dwelling designated under the Ontario Heritage Act, and considered to be of provincial or national heritage value or interest, provided that:

- a) the approval/construction of the second dwelling is, in the opinion of the implementing authority, the only viable way to preserve the heritage value of the existing single family dwelling on the property; and
- b) the approval/construction of the second dwelling shall preclude the severance of a vacant parcel which would have been otherwise permitted by the Niagara Escarpment Plan. Notwithstanding the above, if the number of severances permitted by the Plan has already been granted, the second dwelling may be permitted but future severance prohibited.

2. Part 1.4 Escarpment Protection Area of the Niagara Escarpment Plan is amended by the addition of the following subsection to the New Lots section:

Where a single family dwelling on a property is designated under the Ontario Heritage Act, and is considered to be of provincial or national heritage value or interest, a severance may be permitted if, in the opinion of the implementing authority, that is the only viable way to preserve the heritage value of the dwelling.

However, the approval of the severance shall preclude the severance of a vacant parcel which would have been otherwise permitted by the Niagara Escarpment Plan. Notwithstanding the above, if the number of severances permitted by the Plan has already been granted, the heritage severance may be permitted, but future severances prohibited. Under no circumstances, where a heritage severance has been permitted, will a second dwelling be allowed on the lot.

3. Part 1.5 Escarpment Rural Area of the Niagara Escarpment Plan is amended by the addition of the following sub-section to the Permitted Uses section:

22. A second single family dwelling on a lot which includes property with a single family dwelling designated under the Ontario Heritage Act, and considered to be of provincial or national heritage value or interest, provided that:

- a) the approval/construction of the second dwelling is, in the opinion of the implementing authority, the only viable way to preserve the heritage value of the existing single family dwelling on the property; and
- b) the approval/construction of the second dwelling shall preclude the severance of a vacant parcel which would have been otherwise permitted by the Niagara Escarpment Plan. Notwithstanding the above, if the number of severances permitted by the Plan has already been granted, the second dwelling may be permitted, but future severance prohibited.

4. Part 1.5 Escarpment Rural Area of the Niagara Escarpment Plan is amended by the addition of the following subsection to the New Lots section:

- 6. Where a single family dwelling on a property is designated under the Ontario Heritage Act and is considered to be of provincial or national heritage value or interest, a severance may be permitted if, in the opinion of the implementing authority, that is the only viable way to preserve the heritage value of the dwelling.

However, the approval of the severance shall preclude the severance of a vacant parcel which would have been otherwise permitted by the Niagara Escarpment Plan. Notwithstanding the above, if the number of severances permitted by the Plan has already been granted, the heritage severance may be permitted, but future severances prohibited. Under no circumstances where a heritage severance has been permitted, will a second dwelling be allowed on the lot.

5. Part 2.2 General Development Criteria of the Niagara Escarpment Plan is amended by the addition of the following subsection:

- 8. Notwithstanding subsection 7, a second single family dwelling may be permitted on a lot which contains a single family dwelling designated under the Ontario Heritage Act, and considered to be of provincial or national heritage value or interest, provided that:
 - a) the approval/construction of the second dwelling is, in the opinion of the implementing authority, the only viable way to preserve the heritage value of the existing single family dwelling on the property; and
 - b) the approval/construction of the second dwelling shall preclude the severance of a vacant parcel which would have been otherwise permitted by the Niagara Escarpment Plan. Notwithstanding the above, if the number of severances permitted by the Plan has already been granted, the second dwelling may be permitted, but future severances prohibited.

- c) This policy shall not apply to lots which already have more than one dwelling unit.

6. Appendix 2 Definitions of the Niagara Escarpment Plan is amended by the addition of the following definitions:

Designated Heritage Property - property in respect of which a designation has been carried out under The Ontario Heritage Act, R.S.O. 1980, c.337.

National Heritage Value or Interest - status accorded to properties recognised as national historic sites on a list compiled by the Historic Sites and Monuments Board of Canada, an agency of the Ministry of the Environment for Canada.

Property - real property, including all buildings and structures thereon.

Provincial Heritage Value or Interest - status accorded to properties for which provincial heritage plaques have been erected, or otherwise which have been declared to be provincially significant by the Ontario Heritage Foundation, an agency of the Ministry of Culture and Communications.

SUBMISSION # 6573

APPENDIX 1A

HERITAGE COMMITTEE REPORT

March 9, 1989.

The Heritage Committee of the Niagara Escarpment Commission has met five times and has conducted one site visit, over the past year. In the initial stages of the meetings, members looked at the role of the Niagara Escarpment Plan vis -a-vis cultural and built heritage, the role of the Ontario Heritage Act (1974) and the role of Local Architectural Conservation Advisory Committees (LACACS) in the preservation of that heritage.

Letters were written to all the existing LACACS within the Niagara Escarpment Plan Area. They are as follows:

The City of Niagara Falls
The Town of Niagara-on-the-Lake
The City of Thorold
The City of St. Catharines
The Town of Pelham
The Town of Grimsby
The City of Hamilton
The Town of Ancaster
The Town of Dundas
The Town of Flamborough
The Town of Halton Hills
The Town of Milton
The Town of Caledon
The City of Owen Sound

While many other areas have Historical Societies, the City or Town Councils have not as yet formed a LACAC, which is a committee of Council, and appointed by that Council.

All of the LACACS were invited to send a representative to the Public Forum held in April 1988 at the Hockley Valley Inn. Very few attended. Each LACAC was asked to respond to a call for information on their inventoried buildings (should the LACAC have an inventory) which are located within the Niagara Escarpment Plan Area. The response has been fairly good and this information will be placed in the Inventory of Niagara Escarpment Plan Area Lots.

Problems still remain in areas where there are still no LACACS, or in those areas where the LACACS have yet not completed inventories and have listed only those few buildings which their municipalities have "designated." However, we have taken the first necessary steps in our information-gathering.

Ms. Pamela Craig, Supervisor of the Architecture and Heritage Planning Unit of the Ministry of Culture and Communications met with the Committee at its initial meeting and was also of assistance to J. Meeker in putting together information for the committee.

The Committee has been attempting to gather together copies of the Belden 19th Century County Atlases. We would also like to gather as many local histories of the Niagara Escarpment Plan Area for the use of staff, and for general use in the Commission's Resource Centre.

Finally, we have attempted to summarize some of the applications made and decisions taken on sites which might be of some local built heritage significance. In order to understand the summaries and recommendations made by the committee, we must take into consideration the following factors:

1. Built and cultural heritage are of significance on three levels:

- (a) National Level, where the building is of sufficient architectural significance for the whole of Canada; or, of historical interest because the people who lived there or the events which took place in that building are of importance to the whole of Canada
- (b) Provincial Level, where the building or the people or the event is of importance to the province
- (c) Local Level, where the building or the people or the event is of importance to the municipality in which it is located

2. Even at the local level, what is considered important in one area may not be in another; OR, standards of evaluation (eg. the existing quality of a building, the number of alterations which have taken place, the manner in which new windows, siding, roofing, and other repairs or alterations have been made) may vary greatly. This is possible as the Heritage Act, 1974, gives to the local municipalities the right of making both the final criteria and the decisions.

3. Local municipalities may stay the hand of the demolition crew taking down an undesignated building, under the Heritage Act, 1974, only for a period of 180 days.

4. Under the Niagara Escarpment Plan, when taking cognizance of the importance of a building, it is possible for the Commission to refuse a demolition permit, thus saving a building which the local municipality may wish to designate, or for which there has been sufficient evidence given at a hearing for saving that building.

5. It is important to weigh the relative merits of both the natural and built

heritage in making decisions. In some cases, we have been faced with the problem of allowing severances beyond the normal number permitted when faced with the possibility of the loss or even of the repair of an old building. Therefore, we must look at the significance of that building in all contexts, not simply the local context. We must ask "Is the building of sufficient significance (i.e. not just an old building) that the natural heritage of the Niagara Escarpment Plan or the Plan's regulations themselves should be compromised?"

6. Occasionally, buildings which have been designated under the local By-law must be "de-designated", again by By-law at the owner's request, at the request of the municipality or because the building has been altered or destroyed in any way (a designated barn in Thorold blew down during a severe wind storm last autumn)
7. Should a building that is of interest historically or architecturally be threatened as the owner is unwilling to have it designated, or which must, for over-riding reasons be demolished or moved, a full photographic and architectural record must be made prior to demolition (Thorold was not able to retain a lock-keeper's house on the first Welland Canal, but a full record was made of the building of sufficient detail that it may be re-built at some later time).

It is necessary to keep all these factors in mind when making a decision re additional severances, beyond those allowed by the Plan, or a Development Permit for demolition.

SUBMISSION # 6572
APPENDIX 1B

NIAGARA ESCARPMENT COMMISSION DEVELOPMENT PERMITS
'AND 'HERITAGE BUILDINGS'

The Niagara Escarpment Commission has dealt with a number of interesting Development Permits in which an "old building" has been one of the major issues. This issue has been concerned with either the construction of an additional building on a lot (the M. Frazer D.P.), the demolition of a building to make way for a new building (the St. Elizabeth Nursing Home D.P.), or the severance of a lot in excess of those permitted under the N.E. Plan (the Speers-Brooksbank D.P.).

The following is a summary of some of these applications and decisions.

A. Problem: Second Dwelling

DEVELOPMENT PERMIT P/R/85-86/43
Frazer, Malcolm
Part W 1/2 Lot 33, Concession 5 W.H.S.
Town of Caledon PEEL

Proposal: To construct a two-storey single family dwelling... The proposed residence would be the second dwelling on the property.

Summary Recommendation: Refusal

Issue: A 90 acre lot was previously divided into two parcels - one 40 acres and the other 53 acres. The present application is for development on the 40 acre lot which is not a farm lot. But, the owner is requesting permission to build a new house and to convert the existing Victorian farmhouse into a "caretaker's residence." The second house is not permitted under the Niagara Escarpment Plan as it is not an accessory building to an agricultural operation. Also, the location of the residence does not satisfy relevant environmental criteria re setbacks etc.

However, the applicant was able to convince the Commission that the building was worth saving and the application was granted: "To construct a second residence, septic system, and driveway and rehabilitate and convert an existing caretaker's residence." AND... "The rehabilitation of the existing residence shall conform with the front elevation shown on Schedule A".

B. Problem: Excess Severance.

DEVELOPMENT PERMIT APPLICATION P/R/87-88/9
BROOKSBANK, Ruth and Nicholas
Part Lot 15, Concession 6, E.H.S.
Town of Caledon PEEL

Proposal: To construct a single-family dwelling on a proposed remnant (91) acre) lot which was created by the Peel Land Division Committee when a 1 acre parcel was severed from the property containing the original farm house. The applicants sought the development permit as a condition of the sale to them of a remnant parcel of one acre occupied by an old farm house which they wish to restore and which they argue has historical significance.

Comments: The Commission appealed the Consent to the O.M.B. after responses re the significance of the building were received from the Caledon Heritage Committee and the Ontario Heritage Foundation. The subject property is within the Escarpment Protection designation.

Results: The applicant appealed our decision.

Heard before NEC Hearing Officer Joseph Curtin

Comments: "...Sharing Mr. Osler's good wishes for the endeavours of the young couple involved it is nevertheless likewise necessary to adhere to the admonition to concentrate upon a single issue before the tribunal that is, the creation of a lot which is plainly not permitted under the Niagara Escarpment Plan."

And, N.B.

"The Commission must smart under Mrs. Brooksbank's well-founded assertion of precedent in an earlier instance which she argued should be considered to her benefit. The Commission in ignoring staff recommendation in their files P/R/86-87/66 and P/R/86-87/433 stands at odds with the law as set out in the Niagara Escarpment Plan when they allowed a severance and overlooked an act at odds with the Plan."

Summary Recommendations: Refusal as this would be a violation of the New Lots Policy.

***And, further, regarding other decisions made by the Commission wherein the New Lots Policy of the Plan was ignored in favour of allowing an additional severance for an "old building."
"This action by the Commission is regarded as an aberration rather than a precedent to be used for further transgression against the New Lots Policy of the Plan."

This was an interesting and complicated case in that both Lot Creation and Building Permits were involved and, moreover, the case was heard both before the N.E.C. Hearing Officer AND the O.M.B. whose decisions concurred with that of N.E.C.

And, also of interest in light of some of the recent O.M.B. decisions is the statement of the O.M.B. Hearing Officer:

"Section 13 of the Niagara Escarpment Planning and Development Act states that where a conflict exists between a provision of the Niagara Escarpment Plan and a provision of a local plan, that the Niagara Escarpment Plan will prevail."

C. Problem : Demolition of a building

DEVELOPMENT PERMIT APPLICATION D/R/88-89/32

McIntyre, Andrew

Part Lot 17, Concession 4, E.H.S.

Township of Mono DUFFERIN

Proposal: To construct a single family dwelling, install a new waste disposal system and demolish an existing 130 year old stone home on an existing 2.5 ha (6 acre) lot. The remains of the demolished home will be buried on an adjacent 44 acre property which is also owned by the McIntyres.

Summary Recommendation: Approval

Comments: "It is no longer possible to repair the dwelling and it will be removed after the construction of the new home. The new house will be built directly in front of the former home.

Part 2.11 Heritage, has objectives to maintain the heritage resources of the area where possible. It states that:

Existing heritage features, areas and properties should be retained and reused. To determine whether such actions are feasible, consideration shall be given to both economic and social benefits and costs:

Where development will destroy or significantly alter the cultural landscapes or heritage features, actions should be taken to salvage information on the the features being lost.

Such actions could include archaeological salvage excavation, and the recording of buildings or structures through measured drawings or photogrammetry.

The Ministry of Culture and Communications has been notified of the proposed demolition of the old home and would prefer not to see it removed. It has been further indicated that, although the means/monies to preserve or save the house are not in place in Dufferin County, the Ministry would like some form of record of the dwelling before its demolition.

Hence, in giving approval for the demolition of the house, the Commission added the following as one of the conditions:

12. Prior to the removal of the existing old home, the Niagara Escarpment Commission shall be advised that the Ministry of Culture and Communications has, to its satisfaction,

compiled information relating to the heritage characteristics of the structure (i.e. building photographs etc.) and/or retained selected items/components of the residence as a historic recording of the past.

D. Problem: More than one dwelling on a lot.

DEVELOPMENT PERMIT APPLICATION P/R/87-88/426

COURTNEY, Donald

Part East 1/2 Lot 31, Concession 1 (Albion)

Town of Caledon PEEL

Proposal: To construct a single family dwelling, a two-storey barn

***The residence would be the second dwelling on the property. An older farm house and several accessory buildings are located in the approximate middle of the lot. The original township lot has never had a separation.

The lot in question is in the Niagara Escarpment Protection area.

Comments: Two issues are to be addressed - the Plan's Heritage criteria and policies governing second dwellings and guest houses.

The Commission deferred decision on the first issue until information could be gained re the historic significance of the existing house.

Important related considerations:

1. On July 2, 1987, the Commission refused to endorse a severance which would have facilitated the restoration of a historic residence. This decision was important in that it confirmed that the existing policies of the Plan governing the density outweighed those promoting heritage preservation. This decision was upheld both by the Minister of Municipal Affairs (i.e. Development Permit P/R/87-88/9 Brooksbank) and the Ontario Municipal Board (i.e. Consent 49/87C Speers).
2. On December 4, 1987, the Commission also endorsed a staff paper that recommended no change to the non-agricultural second dwelling policy until the five-year review. In the interim, second dwellings should be handled through Plan Amendments.
3. On March 10, 1988, the Commission denied two applications for second dwelling guest houses. These were H/R/87-88/333 (Moncrieff) and P/R/87-88/298 (Kidd).

Staff presented a number of options to the Commission.

Decision: To approve Part 1 of the application, i.e. proposed construction of a barn, lighted tennis court and septic system.

To deny Part 1 of the application, i.e. proposed second dwelling.

The applicant appealed the decision and the application was heard by the NEC Hearing Officer, John Duncanson.

Among other topics, the applicant's attorney invoked Section 2.11 of the NEP and indicated that given the fact that this appeared to be an early settler's cabin, the applicant would be willing to retain the Heritage building and would use it only for casual visits by the former owners or by a caretaker or hired help employed full-time for maintenance and operation of the subject property.

In his decision, the Hearing Officer states that "...Perhaps an amendment to the NEP might specifically address matters of retaining heritage structures without interfering with the development of an existing lot-of-record but in the meantime it would seem that an exception could be made to the existing Plan policies, given appropriate restrictive conditions to ensure the proposed development does not go beyond the intended use and does not offend the purpose of the Act."

And, in his recommendation: "...it is my opinion that ...the proposal although in non-compliance with the NEP, does not offend the stated purpose of the Act and is therefore worthy of the Minister's support..."

Result: Both the Hearing Officer and the Minister granted the appeal and a Development Permit was issued which included the following conditions:

14. The existing structure (settler's cabin) shall only be used for occasional residential purposes and not as a permanent residence.
15. The removal or restoration of the settler's cabin shall require a development permit approval from the Niagara Escarpment Commission.

Our problem:

1. To make a general recommendation regarding permission to sever property, due to the existence of a "Heritage Property", in an area where such a severance would exceed the number allotted to the property according to the Niagara Escarpment Plan;

and/or

2. To make a general recommendation regarding second dwellings, where one is a Heritage property.

and/or

3. To make a general recommendation regarding demolition of Heritage and other "old" buildings.

Comments:

1. All "old" buildings are not Heritage buildings, nor are they worthy of designation.
2. Although municipalities without LACACS exist within the Niagara Escarpment Plan Area, there is still provision for designation by those municipalities should there be a building worthy of designation (eg. the Plater-Fleming House in Collingwood Township).

3. We must be cognizant of the Niagara Escarpment Plan, especially vis-a-vis additional lots, as there is probably no other aspect of the Plan which causes as much difficulty as the issue of severance and additional lots.
4. The Plan does state that we must be aware of the importance of Heritage properties, both natural and built. While we would not like to see a valuable building torn down, neither would we want to see the Plan decimated in some areas where there happens to be an abundance of "old" buildings.
5. We have probably gone as far as we can in gathering data from LACACS. As we still have to circulate municipalities on all of our Permits they should be able to inform us whether or not a particular building is of historical or architectural significance.

Recommendations:

1. That the Niagara Escarpment Commission continue with its practice of consulting with the various municipalities and their Heritage Officers and with the Ontario Heritage Foundation Architectural Section for their comments should there be a request for a Development Permit or comment on Consent on what appears to be a Heritage property.
2. That based on this knowledge the Niagara Escarpment Commission decide that where the property is of significant import, architecturally or historically and where the property is a nationally or provincially designated property, that, in general, second dwellings may be permitted, within certain parameters; and,
3. That (given #2) special Heritage severances be permitted.
4. That where a significant building cannot be saved, there should be proper record retained of that building in the forms stipulated by the Ministry of Culture and Communications prior to the issuance of a demolition or removal permit.

9.

FOR ACTION

REPORT TO: Susan Reeder, Secretary
Planning and Development Committee

COMM FILE:
DEPT. FILE: P7-3-4

FROM: J. D. Thoms, Commissioner
Planning and Development Department

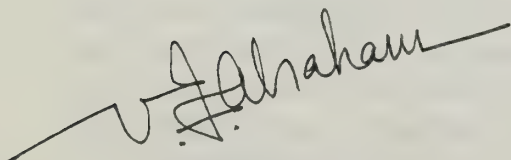
DATE: September 25, 1989

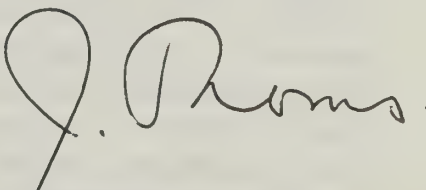
SUBJECT: Proposed Amendment No. 23 to the Official Plan of the City of Stoney Creek

RECOMMENDATION:

That the Planning and Development Committee recommend to Council that:

- (1) The Regional Municipality of Hamilton-Wentworth be notified that the City of Hamilton endorses proposed Official Plan Amendment No. 23 to the City of Stoney Creek except for the proposed modifications outlined in this report;
- (2) The Region be requested to initiate meetings between the Cities of Hamilton and Stoney Creek to discuss the proposed modifications; and,
- (3) The City Clerk be directed to inform the Regional Municipality of Hamilton-Wentworth regarding (1) and (2) above and forward a copy of this Report to the Region.


V. J. Abraham, M.C.I.P.
Director of Local Planning


J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

FINANCIAL IMPLICATIONS:

N/A

EXPLANATORY NOTE:

The Region of Hamilton-Wentworth has requested the City's comments on proposed Amendment No. 23 to the Official Plan of the City of Stoney Creek. The purpose of the proposed Amendment is to introduce a new Secondary Plan for a portion of the West Mountain Planning District, known as "Heritage Green Secondary Plan", into the Stoney Creek Official Plan. The Amendment will allow development to proceed in the Heritage Green area, based on an acceptable community plan.

BACKGROUND:

The City of Stoney Creek has adopted, and submitted to the Region for approval, Official Plan Amendment No. 23. The processing of the Amendment involves the circulation to various agencies for comment on the proposal. As such, the City of Hamilton has been requested to forward their comments on the proposed Amendment to the Region.

The proposed Amendment will introduce a new Secondary Plan known as "Heritage Green Secondary Plan", into the Stoney Creek Official Plan. The Amendment will allow development to proceed in the Heritage Green area, based on an acceptable community plan. The Amendment affects approximately 829 hectares of land, located within Stoney Creek, north of Highway No. 53 and south of the escarpment, immediately east of the City limits.

COMMENTS:

There are two issues of concern which have been identified:

- (1) The Heritage Green Secondary Plan designates land east of Trinity Church Road for "Industrial" (Area A, Map 1). This small parcel of land can only be developed in conjunction with the East Mountain Industrial Park. "Industrial" is not an appropriate designation for this site, as it is too general and is not consistent with the Light Industrial function and designation of the East Mountain Industrial Park. Further, there are no accompanying policies in the Secondary Plan (or Official Plan) for the "Industrial" designation. The City of Stoney Creek advises that a Light Industrial designation cannot be used as their Official Plan does not include a breakdown of industrial uses (it only includes an "Industrial - Business Park" designation). Further, it is not feasible for them to introduce a new category for a small, isolated parcel of land. However, there are two other approaches that can be taken to resolve this issue:
 - o The site can be deleted from the Secondary Plan and dealt with at a later date, when the Mud Street interchange is complete; or,

- o The Heritage Green Secondary Plan could introduce a Special Policy Area designation for the site. The new Special Policy Area could identify the site as an area to be developed in conjunction with the East Mountain Industrial Park in Hamilton.

Either of the above noted approaches would be appropriate.

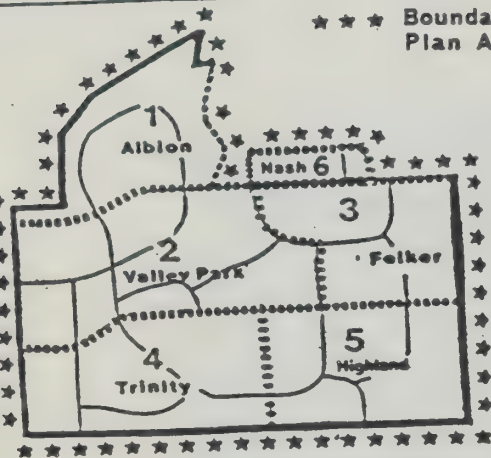
- (2) The City of Hamilton has provided an open space link (for use by cyclists and pedestrians) from the open space land and Albion Falls area to the City of Stoney Creek boundary through the industrial area (Map 2). A direct open space link from the Heritage Green open space system has not been provided (Area B Map 1). A link from the neighbourhood park to Highland Road has been provided instead. This link would be indirect and would require the pedestrian/cyclist to travel along Highland Road, cross the proposed Trinity Church Road extension at traffic lights and feed into the City of Hamilton's open space link by travelling alongside the western side of the proposed Trinity Church Road. Provision should be made for a direct link, possibly by using the existing easement and reshaping the neighbourhood park (Map 3). A decision on construction of the underpass could be made when the detailed design of the proposed Trinity Church is drawn up. For the time being, the underpass option should remain open.

The Hamilton Region Conservation Authority feel that the direct link proposed is desirable. The Parks Staff Advisory Committee, made up of the Planning and Development Department, Community Development Department, Public Works Department, Real Estate Department, and Culture and Recreation Department, also support the direct link.

CONCLUSION:

Based on the foregoing, the City of Hamilton should not endorse proposed Amendment No. 23 to the City of Stoney Creek Official Plan in its entirety. The City should request the Region of Hamilton-Wentworth to introduce the modifications outlined in this Report to the proposed Amendment. Further, City of Hamilton Planning staff would be available to discuss the proposed modifications with the Region and the City of Stoney Creek.

NEIGHBOURHOODS



*** Boundary of Secondary Plan Area

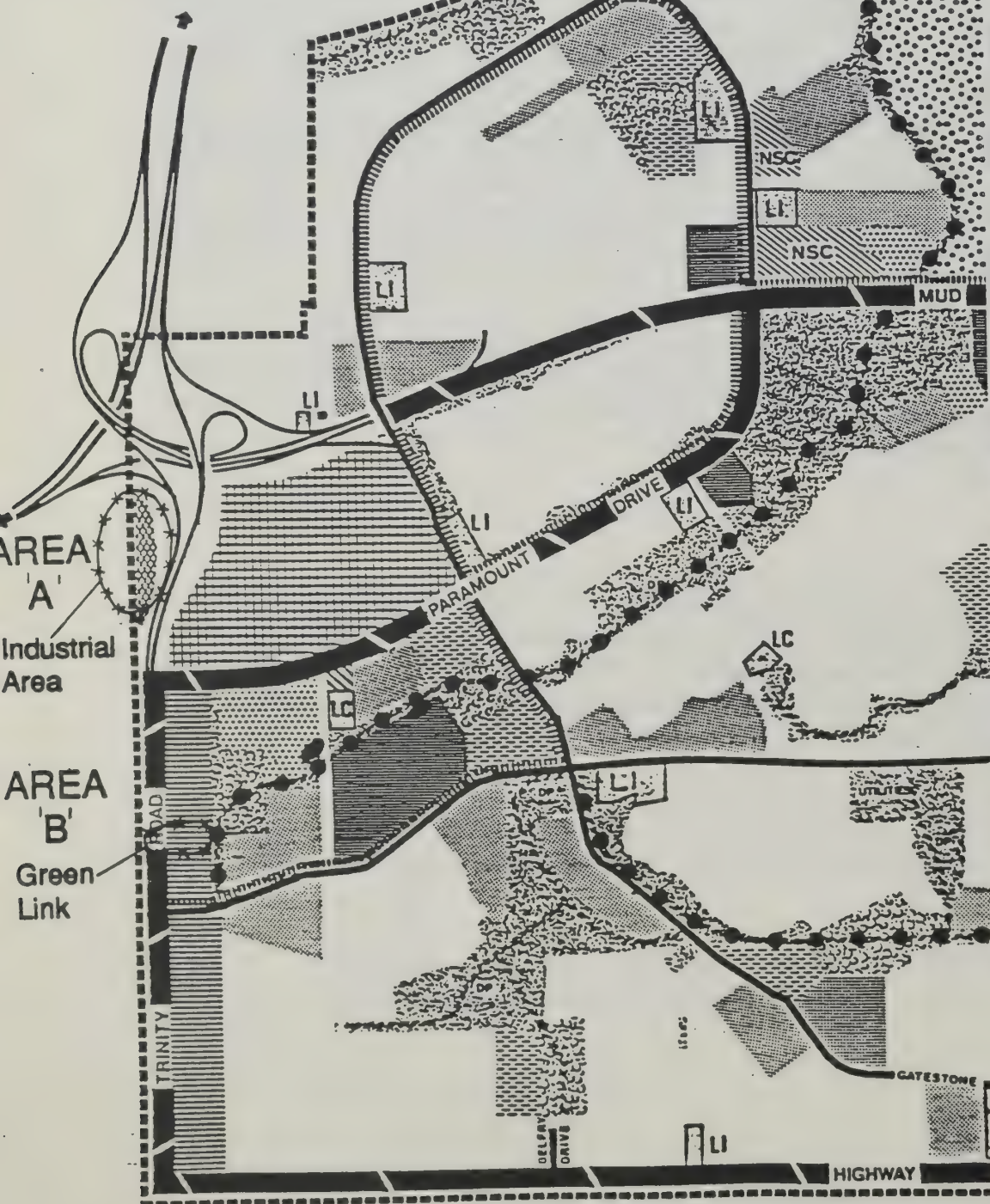


Heritage Green Secondary Plan

Legend

LAND USE DESIGNATIONS

- Low Density Residential
- Medium Density Residential
- Medium-High Density Residential
- Service Commercial
- Neighbourhood Shopping Centre
- General Commercial
- Local Commercial
- Highway Commercial
- Industrial
- Institutional
- Local Institutional
- Elementary School
- Open Space - Community Park
- DP - Detention Pond
- Escarpment Natural Area
- Neighbourhood Park
- District Boundary
- Arterial Road
- Collector Road
- On Street Bikeway
- Off Street Bikeway and Walkway
- Special Policy Area 'A'
- Special Policy Area 'B'
- Special Policy Area 'C' (West Mountain Core Area)










Map 1



NOTE: This is a GUIDE PLAN only and is subject to change. For details contact the local planning division of the Regional Municipality of Hamilton-Wentworth.

Open Space Links

EXISTING POPULATION (1985)

LAND USE

-  RESTRICTED COMMERCIAL (M - 11)
-  RESTRICTED INDUS. - COMM. (M - 12 & M - 13)
-  RESTRICTED INDUSTRIAL (M - 14 & M - 15)
-  OPEN SPACE & RECREATIONAL
-  UTILITIES
-  MULTICENTRE
-  OPEN SPACE LINK BICYCLES & PEDESTRIANS

-  Neighbourhood Boundary
-  Zoning Boundary

Approved

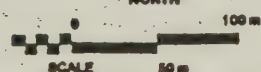
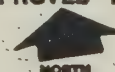
Planning Committee OCT. 14, 1971 Council NOV. 30, 1971

Latest Revision Date

CITY OF HAMILTON
PLANNING DEPARTMENT

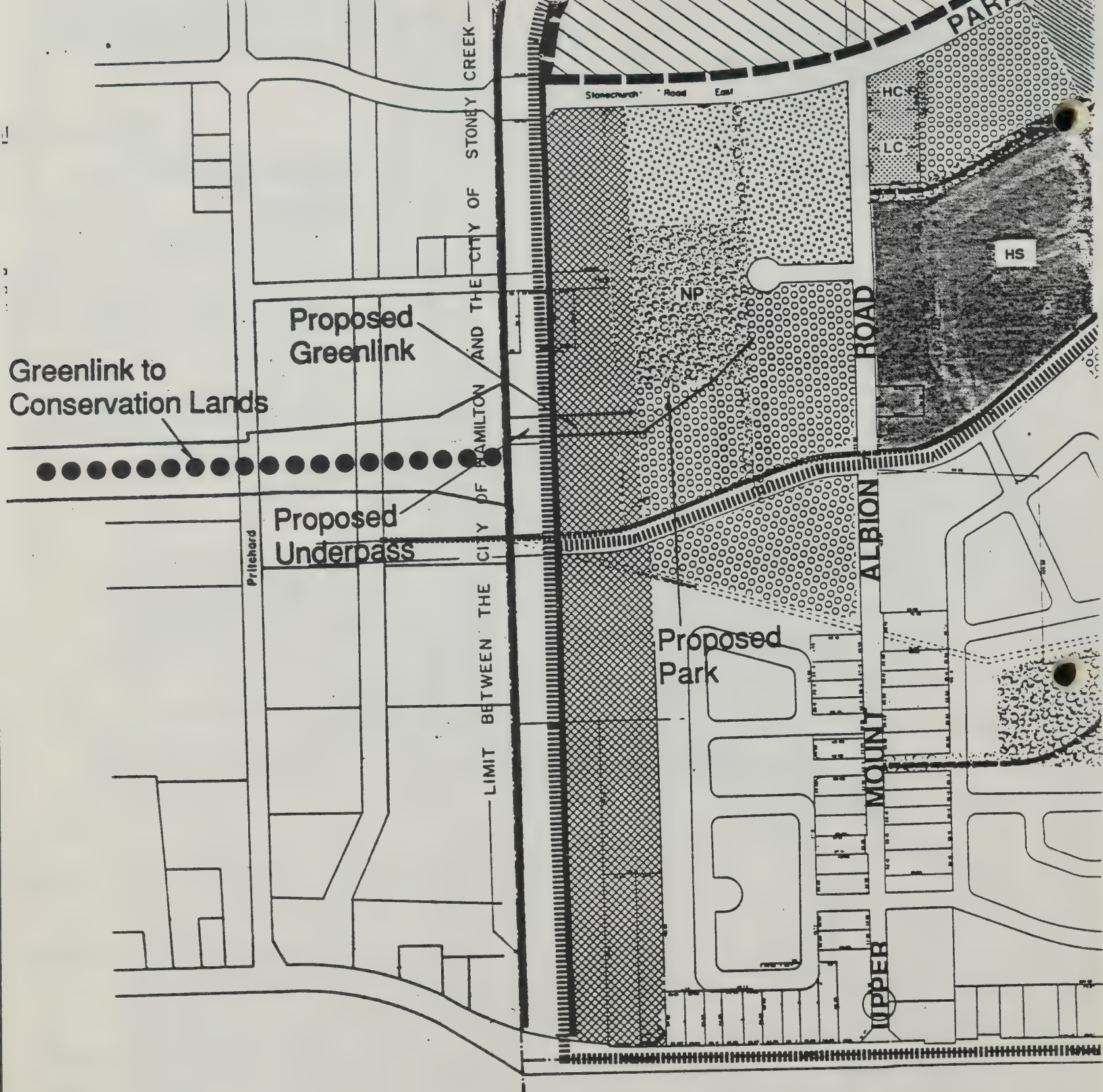
MOUNTAIN INDUSTRIAL AREA

APPROVED PLAN



TOWNSHIP OF GLANBROOK

Map 2



Proposed Underpass Link

FOR ACTION

10.

REPORT TO: SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT COMMITTEE

DATE: Oct. 6, 1989

COMM FILE:

DEPT FILE: 5-4-2-20

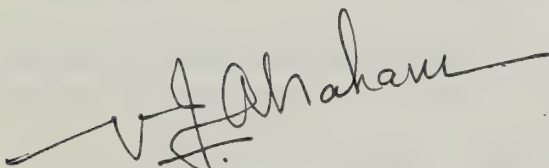
FROM: J. D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

SUBJECT: Work Program: Implementation of the Provincial Policy
Statement on Land Use Planning for Housing

RECOMMENDATION:

That the Planning and Development Committee recommend to Council that:

- (1) the attached "Work Program: Implementation of the Provincial Policy Statement on Land Use Planning for Housing" (Appendix A), be approved;
- (2) the Planning and Development Department 1990 Work Program and Budget make appropriate allocations to undertake implementation of the above noted Provincial Policy Statement; and,
- (3) the Planning and Development Department be directed to make application to the Province for grant funding to undertake the above noted implementation project by submitting Council's resolution of approval (as per recommendation 1 above) and Work Program (Appendix A).



V. J. Abraham, M.C.I.P.,
Director of Local Planning

FINANCIAL IMPLICATIONS:

N/A

EXPLANATORY NOTE:

The Provincial Policy Statement on Land Use Planning for Housing requires Council's approval of a work program by November 1, 1989, which will detail how the municipality intends to implement the Policy Statement through amending the Official Plan and Zoning By-law; streamlining the development approval process; and establishing a monitoring process to ensure the Statements realization.

BACKGROUND:

The Provincial Policy Statement on Land Use Planning for Housing (Appendix B), came into effect on August 1, 1989. A similar draft policy statement was reviewed and commented on by City Council on February 14, 1989 (Appendix C).

(A) Essence of the Policy Statement:

The essential intent of the Policy Statement is to establish a planning framework that provides the opportunity for the provision of affordable housing. The Policy Statement requires all affected municipalities "consider the implications of their actions on the availability of housing to meet future needs ...". Municipalities are thus responsible to:

- (1) Maintain a supply of land for future residential use by:
 - designating in the Official Plan an adequate supply of land to accommodate 10 years of growth at all times;
 - formulating Official Plan servicing policies which prescribe how this level of residential growth will be sustained; and,
 - establishing Official Plan targets requiring a minimum 3 year supply of draft approved and/or registered lots and blocks in subdivision plans;
- (2) Streamline all aspects of the planning process to reduce the time required to process residential applications by formulating Official Plan policy which outline time frames and procedures at each step of the approval process
- (3) Ensure a housing supply that consists of the widest range of unit types and sizes in new residential development and residential intensification by:
 - designating lands in the Official Plan which specify appropriate residential uses and densities;
 - formulating Official Plan policies ensuring that the range of affordable housing

(consisting of at least 25% of new units from development and intensification, infill and redevelopment) is equitably distributed throughout the municipality; as well as policies which facilitate the implementation of this range; and,

- zoning lands to accommodate the identified range of housing types.
- (4) Identify the opportunities to increase the housing supply through residential intensification by:
- designating in the Official Plan where it will be permitted;
 - requiring zoning provisions to permit rooming, lodging houses, etc., as-of-right where specified in the Official Plan; and,
 - adopting standards for new residential development which permit future alterations to create additional units in new buildings.
- (5) Monitor the performance of the Policy Statement's application through policy commitment in the Official Plan by:
- adopting procedures that monitor the supply of land; the range of housing types; house prices and how targets are being achieved; and
 - updating planning documents and procedures to ensure fulfillment of the Policy Statements intent.

(B) **Implications for Implementation:**

The Policy Statement requires that all effected municipalities must define through a detailed "work program" how they intend to implement the various actions and requirements of the Statement by adhering to the following time targets established by the province:

- (1st) City Council must approve by November 1, 1989 a Work Program;
- (2nd) A public meeting must be held to consider a draft Official Plan Amendment by August 1, 1990; and,
- (3rd) City Council must adopt the required Official Plan and Zoning By-law Amendments to fully implement the Policy Statement by August 1, 1991.

Some elements of the five major tasks identified above have or are, to some extent, being implemented or practiced by the City, others are not. Notwithstanding, a significant time commitment is required by the City of Hamilton within a relative short time frame to implement the intent of the Policy Statement. While the time frames established by the Province are very short, they are attainable through a co-ordination of staff resources and the assistance of consultants at key junctures. Significant financial support is available from

the Province in order to undertake the work required and meet these time targets. Accordingly, to qualify for provincial grant funding opportunities (up to a maximum of 50%), as well as meet the time targets established in the Policy Statement, a detailed work program has been prepared (Appendix A). The work program identifies the various actions/studies necessary and the associated staffing requirements, costs and timing. It is anticipated that the work program will take over a year to complete. However, the bulk of the work needed to form the basis of a draft Official Plan Amendment should be completed within 9 months. Accordingly, the 1990 Planning and Development Department Work Program will allocate sufficient resources to complete the Policy Statement's implementation.

CONCLUSIONS:

To meet the provincial government's time targets to implement the Policy Statement on Land Use Planning for Housing, it is essential for Council to approve the attached work program (Appendix A) by November 1, 1989. Accordingly, the Planning and Development Department's Work Program and Budget should make specific allocations for the project. As a result of preparing the annual Departmental work program, minor refinements to the study's work program may be made. As well, staff should enter into discussions with the Province to secure the necessary funding grants under the Community Planning Study Grant Program from the Ministry of Municipal Affairs.

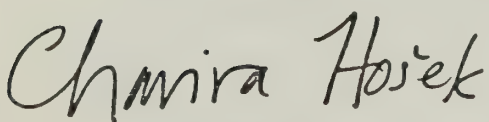


POLICY STATEMENT

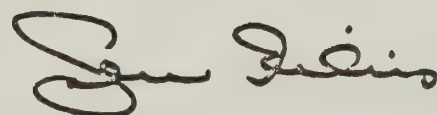
Land Use Planning for Housing

A statement of Ontario Government
policy issued under the authority of
Section 3 of the Planning Act 1983

Approved by the
Lieutenant Governor in Council
Order in Council No. 1812/89
July 13, 1989



Chaviva Hošek
Minister of
Housing



John Eakins
Minister of
Municipal Affairs

BACKGROUND

It is essential to Ontario's economic and social well-being that a sufficient supply of housing be available — housing that is affordable, accessible, adequate and appropriate to the needs of the full range of households across the Province.

Several trends contribute to the need for housing.

The population of Ontario is expected to continue to grow significantly, largely as a result of immigration from outside Canada and migration from other provinces.

As well, household growth and composition is changing. As the population ages and family patterns change, the number of smaller households is expected to increase substantially. Housing supply has not adequately responded to all of these needs.

Growth pressures are experienced primarily, but not exclusively, in the major urban centres of the Province. The most critical effects are likely to continue to be felt in the urban areas of Southern Ontario, with less pressure being experienced in some small or rural municipalities in the Province.

Land use planning must respond effectively to these housing needs. The land use planning process is an important element of the overall response to changing housing needs — it must help to advance provincial housing objectives, rather than impede them.

All municipalities and planning jurisdictions must take into account the housing needs of the broader community; all Ontarians must have the assurance that their housing needs are considered at every stage of the planning process.

This Policy Statement addresses the relationship between housing and the land use planning process. To achieve housing objectives, the Policy Statement deals with the following issues which can be addressed through land use regulation:

- the supply of land for residential development;
- the land use planning approval process;
- land use standards which regulate the range of housing types which can be provided;
- the effective use of existing building stock and previously developed land for new housing.

Under the Planning Act, a Policy Statement is the mechanism used by the Province to establish provincial expectations regarding matters relating to land use planning. This Policy Statement describes how the foregoing housing issues are to be addressed by planning jurisdictions in Ontario using the authority under the Planning Act, including:

- official plan policy;

- zoning provisions; and,
- the development approvals process.

This Policy Statement recognizes that many factors which are outside of the control of the land use planning framework must also contribute to the provision of an adequate supply of reasonably priced housing in our communities. The most obvious of these factors is the operation of the housing market itself. As well, land use planning regulations cannot regulate such matters as: the price of housing; whether housing is owned or rented; or, who can occupy a dwelling. However, by establishing appropriate policies, regulations and approval procedures, municipalities and other planning jurisdictions can create the opportunity for a range of housing types to be built.

BASIS OF THE POLICY

Objectives:

- To foster municipal land use planning practices which are responsive to housing needs throughout the Province.
- To contribute, along with other provincial initiatives, to the overall goal of providing a sufficient supply of a range of housing types which are accessible, affordable, adequate and appropriate to the needs of the full range of households in Ontario.

Principles:

- Each planning jurisdiction has a responsibility to contribute to fulfilling the objectives of this Policy Statement.
- A sufficient supply of land for housing purposes should be planned for in order to help make land available for development at a more reasonable cost.
- The planning approvals process should be streamlined to help reduce the cost of housing by allowing the market to respond effectively to housing demands and to reduce the land carrying costs associated with housing construction.
- Land use regulations should allow for a full range of housing types and sizes in order to provide the opportunity for more households to be appropriately and affordably housed.
- New residential units should be planned for in established communities in order to produce housing efficiently and cost-effectively by maximizing existing resources, both in building stock and community and physical services.

POLICIES

It is the policy of the Province of Ontario that:

1. GENERAL

- 1.1 All planning jurisdictions, including municipalities and planning boards, consider the implications of their actions on the availability of housing to meet future local, regional and provincial needs.

2. SUPPLY OF LAND

- 2.1 All municipalities and planning boards maintain a supply of land for future residential use by:

- a. designating sufficient lands for residential use, in the official plan, so that at least a ten-year supply of residential land is maintained at all times;

The amount of land to be designated will be based on:

- i. A planning jurisdiction's reasonable share of the overall population growth and increased number of households in the broader community, reflecting the demographic and economic forecasts affecting the planning jurisdiction over a twenty-year time-frame;
 - ii. existing servicing capacity and future planned servicing expansion required to accommodate household growth for twenty years;
 - iii. residential densities to accommodate the range of housing types identified in accordance with section 4.1;
 - iv. the potential for Residential Intensification identified in accordance with section 5.1.
- b. incorporating servicing policies in the official plan, to identify how growth on the lands designated for residential use will be accommodated;

These servicing policies will address:

- i. existing servicing capacity;
- ii. servicing improvements necessary to accommodate household growth over the twenty-year planning time-frame;
- iii. implementation of future servicing improvements.

- c. establishing a target, to be reflected in the official plan, to maintain at least a continuous three-year supply of a combination of draft approved and/or registered lots and blocks on plans of subdivision in New Residential Development.

2.2 In regional municipalities and counties where the upper tier municipality is responsible for providing piped water and sewers, the upper tier official plan specify:

- a. how much residential growth will occur, in accordance with section 2.1.a., in each area municipality within its jurisdiction;
- b. servicing allocations and planned servicing improvements for all municipalities within its jurisdiction, identified in accordance with Section 2.1.b.

3. *STREAMLINING THE PLANNING PROCESS*

3.1 All municipalities and planning boards reduce the time to process residential applications, to the greatest extent practical by:

- a. adopting a guideline outlining time frames and procedures at each stage of the approval process;

This guideline will be based on information provided from time to time by the Ministry of Municipal Affairs;

- b. incorporating a policy in the official plan to:
 - i. indicate council/planning board commitment to adhere to the procedural guidelines; and,
 - ii. include time frames, identified in the procedural guidelines, for each stage of the approval process.

4. *RANGE OF HOUSING TYPES*

4.1 All municipalities and planning boards provide for a range of housing types, in New Residential Development and Residential Intensification by:

- a. designating lands in the official plan specifying, at least, appropriate residential uses and densities;

These land use designations will be based on:

- i. housing needs, taking into consideration household size and income of new households expected in accordance with section 2.1.a., normally identified in a Municipal Housing Statement;

- ii. the forms of housing which could be produced by the market or with government assistance to meet these housing needs;
 - iii. the forms and proportion of housing, identified as Affordable Housing in section 4.2.
- b. establishing policies in the official plan so that the range of housing types, including the forms of housing identified as Affordable Housing in accordance with section 4.2., is distributed throughout the municipality/planning area on lands designated for residential use, but is not necessarily included in every application for New Residential Development or Residential Intensification;
- c. incorporating implementation policies in the official plan to assist in achieving the identified range of housing types;
- d. zoning lands to accommodate the range of housing types identified in the official plan, by:
 - i. establishing zones which permit the identified range of housing types;
 - ii. including zoning standards such as, but not limited to, residential densities, minimum lot standards, and unit and building areas and sizes, to permit the development of the identified range of housing types, and by eliminating any zoning standards which serve to preclude uses permitted by the official plan;
 - iii. where minimum unit size standards are provided, including standards which do not exceed those established in the Ontario Building Code for the protection of health and safety.

4.2 All municipalities and planning boards establish appropriate planning policies and standards which will enable at least 25% of New Residential Units resulting from New Residential Development and Residential Intensification through conversion of non-residential structures, Infill and Redevelopment, to be Affordable Housing, by:

- a. identifying the forms of housing which could be developed as Affordable Housing;

These forms of housing are to be locally determined based on an analysis of:

- i. incomes up to the 60th percentile in the Housing Region;
- ii. the full range of housing needs for households within the lowest 60 percent of the income distribution for the Housing Region;

- iii. a range of housing prices/rents to meet these needs;
- iv. expected housing production costs and market prices/ rents;
- v. the ability of the market to produce housing to meet the Affordable Housing definition;
- vi. the amount of government-assisted housing needed in the municipality, normally identified in a Municipal Housing Statement.

5. *RESIDENTIAL INTENSIFICATION*

5.1 All municipalities and planning boards identify opportunities to increase the supply of housing through better use of existing resources, buildings or serviced sites to meet changing demographic trends and housing demands, and adopt a strategy to make use of those opportunities, by:

- a. designating areas in the official plan where each form of Residential Intensification will be permitted;

These uses are to be permitted in areas which meet the following criteria:

- i. the physical potential of the existing building stock or previously developed sites can accommodate the identified forms of Residential Intensification;
 - ii. the existing services can support new households in the affected area; and,
 - iii. the potential demand for these forms of accommodation, based on the housing needs of the composition of households in the broader community, in relation to the typical characteristics of units which could be produced through the various forms of Residential Intensification, can be demonstrated.
- b. including zoning provisions to permit rooming, boarding and lodging houses, and Accessory Apartments as-of-right where they are permitted uses in the official plan;
 - c. adopting policies and development standards for New Residential Development so that alterations to create additional units in new building stock can take place in the future, as needs change within those communities, in keeping with the principles identified in 5.1.a.

- ii. the forms of housing which could be produced by the market or with government assistance to meet these housing needs;
 - iii. the forms and proportion of housing, identified as Affordable Housing in section 4.2.
- b. establishing policies in the official plan so that the range of housing types, including the forms of housing identified as Affordable Housing in accordance with section 4.2., is distributed throughout the municipality/planning area on lands designated for residential use, but is not necessarily included in every application for New Residential Development or Residential Intensification;
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 - ii. the existing services can support new households in the affected area; and,
 - iii. the potential demand for these forms of accommodation, based on the housing needs of the composition of households in the broader community, in relation to the typical characteristics of units which could be produced through the various forms of Residential Intensification, can be demonstrated.
- b. including zoning provisions to permit rooming, boarding and lodging houses, and Accessory Apartments as-of-right where they are permitted uses in the official plan;
 - c. adopting policies and development standards for New Residential Development so that alterations to create additional units in new building stock can take place in the future, as needs change within those communities, in keeping with the principles identified in 5.1.a.

6. *MONITORING*

- 6.1 All municipalities and planning boards monitor how the provisions of this Policy Statement are being achieved, by:
- a. adopting procedures to review:
 - i. the adequacy of the supply of land, at least every five years;
 - ii. the range of housing forms produced through New Residential Development and Residential Intensification, annually;
 - iii. house prices for each housing form relative to income distribution for the Housing Region, annually;
 - iv. how targets for processing of land use planning applications are being achieved, every two years;
 - b. preparing a report to be endorsed by council on the results of the review conducted in accordance with section 6.1.a.;
 - c. updating planning documents and development approval procedures on the basis of the review conducted in accordance with section 6.1.a., as necessary, to maintain consistency with the intent of this Policy Statement;
 - d. incorporating a policy in the official plan to outline municipal/ planning board commitment to implement the provisions of this section.

7. *APPLICATION OF THE POLICY STATEMENT*

- 7.1 Counties with official plans may implement those policies in this Policy Statement relating to official plans, within the county official plan, on behalf of any or all municipalities within its jurisdiction, at the request of the council of the affected municipality.
- 7.2 Townships and villages with populations below 5,000 may use alternative approaches to reflect the Principles and to fulfill the Objectives of this Policy Statement except:
- i. villages bounded by a township with a population in excess of 5,000;
 - ii. those townships and villages within the Census Metropolitan Areas of London, Toronto and Windsor.
- 7.3 Alternative approaches to implementing the Principles and fulfilling the Objectives of this Policy Statement may be adopted by planning boards, except for those portions of planning areas, which are either cities or towns.

IMPLEMENTATION

The Ministries of Municipal Affairs and Housing will:

- prepare guidelines to assist in implementing the Policy Statement;
- monitor implementation of the Policy Statement by reviewing planning documents and monitoring reports, as necessary;
- provide program support where necessary and available to assist in fulfilling the provisions of this Policy Statement.

The Ministry of Housing will:

- provide advice and assistance to municipalities and planning boards on demographics and housing need projections, income data for Housing Regions and price data for new home construction issued on an annual basis;
- review and comment on planning documents, as necessary;
- make representations or provide technical expertise at Ontario Municipal Board hearings, as necessary.

The Ministry of Municipal Affairs will:

- ensure that all planning documents submitted for review or approval have had regard to this Policy Statement;
- co-ordinate streamlining of the provincial review of planning documents;
- provide advice on methods of meeting Policy objectives through the land use planning process;
- support the implementation of this Policy Statement through Planning Act powers, as necessary.

Municipalities with approval authority delegated by the Minister of Municipal Affairs will have regard to this Policy Statement in exercising the delegated responsibilities.

Other ministries and agencies having an interest in planning documents which relate to housing will review planning documents in keeping with provincial government objectives to streamline the planning approvals process.

Municipalities and Planning Boards will:

- consider this Policy Statement during the decision to review the official plan required by section 26 of the Planning Act;

- have regard for this Policy Statement when a zoning bylaw/order comes up for review;
- have regard for this Policy Statement, when any planning document is being considered for approval;
- streamline the review and approval of all housing applications as required by this Policy Statement;
- provide monitoring reports required in section 6.1.b. to the Ministers of Municipal Affairs and/or Housing upon request;
- inform and advise applicants and the public on the content of this Policy Statement.

Priority Areas

The Regional Municipalities of Metropolitan Toronto, Durham, York, Peel, Halton, Hamilton-Wentworth, Ottawa-Carleton, Niagara and Waterloo and the municipalities within those regions, and all other municipalities within the Census Metropolitan Areas of London, Toronto and Windsor will:

- adopt official plan and zoning by-law provisions to fully implement this Policy Statement by August 1, 1991; and,
- approve a work program required to implement the full intent of this Policy Statement by November 1, 1989;
- conduct the public meeting required under the Planning Act to consider official plan revisions which would meet the full intent of this Policy Statement by August 1, 1990;
- when requested by the Minister of Municipal Affairs or Housing, provide a record of council's consideration of the work program or the official plan revisions required above.

ROBERT M. MORROW
MAYOR



Mr. V. Abraham
Director of
Local Planning

APPENDIX "C"

1989 February 24

The Honourable David Peterson
Premier of Ontario
Legislative Building
Queen's Park
Room 281
Toronto, Ontario
M7A 1A1

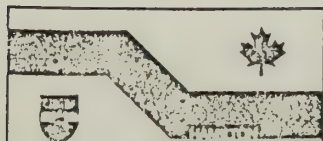
Honourable Sir:

Re: Draft Provincial Housing Policy Statement -
City of Hamilton's Response.

Please be advised that Hamilton City Council at its meeting held Tuesday, 1989 February 14th APPROVED Section 26 of the FIFTH Report for 1989 of the Planning and Development Committee as follows:

- (a) That Hamilton City Council supports the objective of increasing the supply of affordable housing areas within the urban reality which includes Hamilton and surrounding municipalities.
- (b) That Hamilton City Council request the Provincial Government to review its existing policies and programs respecting the provision of affordable housing to develop a comprehensive housing strategy instead of introducing an additional policy which is aimed at only one aspect of the housing problem.
- (c) That in the absence of a comprehensive housing strategy, Hamilton City Council request the Provincial Government to revise its draft Housing Policy Statement as follows:
 - (i) to allow municipalities the flexibility to determine their own affordable housing targets instead of establishing a provincial target of 25%.
 - (ii) to allow municipalities the flexibility to approve development applications on an informal basis instead of including rigid development application approval targets in the Official Plan;

PLANNING & DEVELOPMENT LOCAL PLANNING BRANCH				
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	C.S.D.			
2	STAFF	JH		
	CART.			
	ADMIN.			



Continued

- (iii) to ensure that the existing housing stock is considered in the Policy Statement given its importance in the provision of affordable housing;
 - (iv) to ensure that legitimate planning and engineering concerns such as public participation, protection of the environment, and subdivision engineering standards are not dismissed in an attempt to provide affordable housing; and,
 - (v) to rename the Policy Statement to "Residential Land Use Policy Statement", which more accurately reflects its intended purpose.
- (d) That Hamilton City Council urge the Provincial Government to review all provincial housing policies, programs and initiatives respecting the provision of affordable housing with a view:
- (i) to addressing the issue of rent controls;
 - (ii) to providing low income households with shelter allowances, tax credits, etc.;
 - (iii) to reviewing Provincial legislation and practices regarding:
 - 1. lot levies;
 - 2. sale of Provincial lands at below market value; and,
 - 3. land speculation tax.
 - (iv) to providing financial aid to both private industry and the Region if expansion of services is to be considered;
 - (v) to developing a public education program in conjunction with the municipality to dispel public fears associated with affordable housing;
 - (vi) to decreasing the response time required for Provincial Ministries to respond to development applications; and,
 - (vii) to decreasing the time it takes to set Ontario Municipal Board hearing dates.

Continued


- (e) That Hamilton City Council strongly urge the Provincial Government to review and increase the Maximum Unit Price (M.U.P.) on a regular basis to a level that reflects the actual market costs of land and development.
- (f) That the City Clerk forward the entire Staff Report attached hereto and marked Appendix "A" and the recommendations thereto to the Ministry of Municipal Affairs and Housing, and the Association of Municipalities of Ontario (Urban Section) for consideration, and to the Regional Municipality of Hamilton-Wentworth for information.

NOTE: In 1988 September, the Province released the Draft Provincial Policy Statement. The objective of the Statement is to increase the supply of affordable housing by requesting municipalities to provide a favourable environment conducive to the construction of affordable units. This favourable environment may be achieved through amendments to the land use planning process.

The Province has requested each Municipality to provide comments on the draft Housing Policy Statement by 1989 February 28.

We look forward to your comments on this matter.

Yours very truly,



Robert M. Morrow
Mayor

RMM/SKR/dbm
Attch.

- c.c.
- Mr. E. Kowalski, Director of Community Development
 - Mr. J. D. Thoms, Commissioner of Planning and Development
 - Mr. K. A. Rouff, City Solicitor
 - Mr. G. S. Spencer, Regional Engineering Commissioner
 - Attention: Mr. K. Brenner
 - Mr. P. Kuppe, Building Commissioner
 - Mr. D. W. Vyce, Director of Property
 - Mr. M. Main, Director of Traffic Services
 - Mrs. Susan K. Reeder, Secretary, Planning & Development Committee
 - Ministry of Municipal Affairs and Housing
 - Association of Municipalities of Ontario (Urban Section)
 - Regional Municipality of Hamilton-Wentworth
 - ✓ Mr. V. Abraham, Director of Local Planning
 - Mr. L. Sage, Chief Administrative Officer

FOR ACTION

11.

REPORT TO: Mrs. S. K. Reeder
Secretary, Planning and Development Committee

FROM: C. J. Coutts, Secretary
Local Architectural Conservation
Advisory Committee

DATE: 1989 October 5

DEPT

FILE:

SUBJECT: REDUCTION OF QUORUM FOR LACAC

RECOMMENDATION:

That notwithstanding Section 33(3) of the City of Hamilton Procedural By-law No. 82-203, the quorum for the Local Architectural Conservation Advisory Committee be reduced from six (6) members (constituting a majority) to five (5) members.

FINANCIAL IMPLICATIONS: n/a

BACKGROUND:

The Local Architectural Conservation Advisory Committee has experienced difficulty in establishing a quorum at its Committee meetings. With ten (10) members, the quorum is six (6) members, a majority of all the members appointed by Council to serve on this Committee.

The Committee has had to cancel regularly scheduled meetings on two occasions because there have been an insufficient number of Committee members to constitute a quorum.

The reduction of the quorum by one (1) member would allow for the conducting of important business without the constant problem of rescheduling meetings.

FOR ACTION

12.

REPORT TO: Mrs. S. K. Reeder
Secretary, Planning and Development Committee

FROM: C. J. Coutts, Secretary
Local Architectural Conservation
Advisory Committee

DATE: 1989 October 3

DEPT

FILE:

SUBJECT: 712 MAIN STREET EAST - PROPOSED BUSINESS SIGN

RECOMMENDATION:

That approval be given to the owner's request for a change in commercial signage to (5' x 5') from (4' x 6') for the sign to be erected in front of 712 Main Street East, a property included in the St. Clair Heritage Conservation District.

FINANCIAL IMPLICATIONS: n/a

C. J. Coutts

BACKGROUND:

City Council at its meeting held 1989 August 29 gave approval for a proposed business sign for Jag Realty Inc., to be erected by the new owner of the commercial property at 712 Main Street East, in the St. Clair Heritage District and that this sign not exceed 6' x 4' in dimensions.

The owner of this property has subsequently decided on a signage size of 5' x 5' and requests approval for the size change of the sign.

FOR ACTION

13.

REPORT TO: Mrs. S. K. Reeder
Secretary, Planning and Development Committee

FROM: C. J. Coutts, Secretary
Local Architectural Conservation
Advisory Committee

DATE: 1989 October 4

DEPT

FILE:

SUBJECT: PIGOTT BUILDING LOBBY - HERITAGE PERMIT

RECOMMENDATION:

- a) That a Heritage Permit be approved for the alterations to the lobby required for fire safety purposes under the Building Code; and
- b) That the owners be requested to move the red fire alarm bell, if permitted, from the ceiling which is now under restoration and to ensure that those required fixtures which cannot be moved be painted in to match the historic ceiling.

C. J. Coutts

FINANCIAL IMPLICATIONS: n/a

BACKGROUND:

The Pigott Lobby is included in the Reasons for Designation and is therefore regulated by the Ontario Heritage Act. Alterations to the original features requires a Heritage Permit.

The Research Sub-Committee made a site visit on August 30, 1989 and observed that the alterations to the lobby have been made. These alterations are a result of mechanical requirements, sprinklers, smoke detectors and a fire alarm bell have been installed in the ceiling area; a fire annunciator panel has been temporarily installed in the front vestibule which will be replaced by a joint fire annunciator entry panel of a size approximately 3' x 4' to be installed in the same location as the original panel which was 1.5' x 2.5'. The Research Sub-Committee will review the question of a heritage permit at its next meeting.

The ceiling is currently being restored by a professional art conservator, Srebrenka Zeskoski, President of In Restauro Conservart Inc. Ms. Zeskoski has recently completed the restoration of two murals in the Pantages Theatre.

The owners have indicated by telephone that they are interested in acquiring the stained glass lobby windows from the city to install in the lobby when completed. They have been requested to send a letter to the LACAC chairman.

c.c.: Mr. L. King, Building Commissioner

FOR ACTION

14a.

REPORT TO: Mrs. S. K. Reeder
Secretary, Planning and Development Committee

FROM: C. J. Coutts, Secretary
Local Architectural Conservation
Advisory Committee

DATE: 1989 October 3

DEPT

FILE:

SUBJECT: DESIGNATION OF 72 - 74 GEORGE STREET

RECOMMENDATION:

- a) That approval be given to the "Intent to Designate" 72 - 74 George Street as a property of historical and architectural value, pursuant to the provisions of the Ontario Heritage Act, 1983.
- b) That the City Solicitor be authorized and directed to take appropriate action to have this property designated pursuant to the provisions of the Ontario Heritage Act, 1983.

C. J. Coutts

FINANCIAL IMPLICATIONS: n/a

BACKGROUND:

72 and 74 George Street constitute two units of a three-unit brick rowhouse (# 72-76) built in 1873-4. The owners of # 72 and # 74 have requested designation. The owners of # 72 and # 74 have requested designation. The owners of # 76 have been contacted and asked if they would support the designation of their unit as part of the row but have responded in a letter that they do not wish to proceed with the designation of their unit at the present time.

The Research Committee agreed at its last meeting that if the owners of # 76 did not agree to designation, the two units alone were still worthy of designation.

Photographs, map, planning information and reasons for Designation are attached.

att.

REASONS FOR DESIGNATION

72-74 George Street

Context

72-74 George Street constitutes two units of a three-unit, two-storey brick rowhouse built in 1873-4 for tailor Charles Foster. This terrace now marks the eastern edge of Hess Village, a cluster of Victorian houses in the four blocks bounded by Main, King, Queen and Caroline Streets which was transformed into a small area of boutiques and professional offices in the early 1970s. Prior to this time, it was an integral component of a late 19th and early 20th century residential streetscape extending from Queen to Caroline, the easternmost section of which has since been lost.

Architectural Significance

Typical in form of terraces built in the City throughout the latter half of the 19th century, 72 and 74 George Street are three bay units with side entrances, separated by parapet walls with built-in chimneys. The doorways with both transom and sidelights are reminiscent of the City's stone terraces dating from the 1850s and 60s, as also are the cut-stone window and door sills and lintels. The eaves were originally embellished with wooden brackets reflecting the influence of the Italianate style on Hamilton's residential architecture in the 1870s. The building has survived relatively intact, although the four original ground floor windows (including the stone sills and lintels) were removed and replaced in the early 1970s by large bay windows reflecting the change from residential to commercial use.

History

The terrace was erected on the west side of Charles Foster's own house at 68 George Street (demolished in the mid-1970s). By the late 1880s all three units were individually owned. Since 1974 the terrace has accommodated a variety of retail establishments and restaurants, with #72 reverting back to residential use in 1983.

Designated Features¹

Important to the preservation of 72-74 George Street are the original features of the south (front) and east facades, including the roof and visible parapet walls, the doorways (excluding the modern doors), the second storey double-hung sash windows (originally all two-over-two), and the ground floor window openings (excluding the modern bay windows).

THIS IS A GUIDE PLAN ONLY AND IS
SUBJECT TO CHANGE. FOR DETAILS
CONTACT THE LOCAL PLANNING
DIVISION OF THE REGIONAL
MUNICIPALITY OF HAMILTON-WENTWORTH.

RESIDENTIAL

single, double & attached housing

 high density apts.  commercial & apts.

COMMERCIAL

INDUSTRIAL

CIVIC & INSTITUTIONAL

PARK & RECREATIONAL

UTILITIES

72-76 George Street



Neighbourhood Boundary
Zoning Boundary
Staging of Development
Boundary

Approvals
MAR 1 / 73
Council
JUNE 12 / 73

Revisions

February	1971
June	1971
February	1972
December	1972
February	1973
July	1973

**CITY OF HAMILTON
PLANNING DEPARTMENT**

CENTRAL APPROVED PLAN



FOR ACTION

14b.

REPORT TO: Mrs. S. K. Reeder
Secretary, Planning and Development Committee

FROM: C. J. Coutts, Secretary
Local Architectural Conservation
Advisory Committee

DATE: 1989 October 3

DEPT

FILE:

SUBJECT: DESIGNATION OF JAMES STREET BAPTIST CHURCH
96 JAMES STREET SOUTH

RECOMMENDATION:

- a) That approval be given to the "Intent to Designate" James Street Baptist Church at 96 James Street South as a property of historical and architectural value, pursuant to the provisions of the Ontario Heritage Act, 1983.
- b) That the City Solicitor be authorized and directed to take appropriate action to have this property designated pursuant to the provisions of the Ontario Heritage Act, 1983.

C. Coutts

FINANCIAL IMPLICATIONS: n/a

BACKGROUND:

The owner(s) of the property requested designation. LACAC gave preliminary approval to the Intent to Designate James Street Baptist Church at its meeting held 1989 July 31, and approved that this property be designated at its meeting held 1989 September 29.

Map, photographs, planning information and reasons for designation are attached for the information of the Committee.

att.

REASONS FOR DESIGNATION

James Street Baptist Church

96 James Street South

Context

The James Street Baptist Church, constructed in 1878-1882, is located in the Central Area of Hamilton at the south-west corner of James and Jackson Streets. Situated to the south of St. Paul's Presbyterian Church, the Baptist Church has long been recognized as an important downtown landmark in its own right as well as a major component in the James-Main historic streetscape which includes St. Paul's, the former Bank of Montreal, the Sun Life and Pigott buildings, all of which are designated under the Ontario Heritage Act.

Architectural Significance

The church is designed in the Gothic Revival Style; its massive stone construction and complex, monumental composition are indicative of a later, High Victorian phase of the style.

Unique among Hamilton churches, the James Street church is particularly distinguished for its use of rock-faced masonry walls, dominant corner tower and heavily buttressed facades. At ground level, the building is characterized by the solidity of its raised stone basement penetrated only by the central and tower entrances and by the small openings of lancet windows and circular quatrefoil decorations (the basement windows were a later addition).

In contrast, on the second story where the tall sanctuary is located, the pointed-arch, traceried windows are the dominant features. Of special interest is the elaborate rose window at the west end of the nave and the immense, six-partite, Decorated Gothic window of the front facade.

The exterior displays a vigourously articulated composition of projecting transepts, aisles, narthex, pinnacles, buttresses and corner tower. Likewise, the surfaces continue the richly modelled effect in the rock-faced texture of the masonry, the contrasting cut-stone decoration, ornamental mouldings and stepped profile of the buttresses.

Architect of the church, Joseph Connolly, is well known as the designer of a number of Roman Catholic churches in Ontario, including St. Patrick's in Hamilton (1877); Church of Our Lady of the Immaculate Conception in Guelph (designed 1863; built 1876-1926); St. Mary's and St. Paul's (1887-89) in Toronto; and St. Peter's Cathedral Basilica (1885) in London, Ontario. James Street Baptist Church is considered to be Connolly's only protestant church design in Ontario.

Historical Significance

The James Street Church is the oldest, surviving Baptist church in Hamilton. Their first church had been erected on Park Street North in 1846 and enlarged in 1862, but the James Street structure marks the construction of the Baptist's first major, monumental church building in the City.

During its 107 year history, the James Street Baptists have founded as many as 15 missions, a number of which have developed into permanent churches including Wentworth, Stanley Avenue, Trinity, King St., Bethel, MacNeill Memorial, and Westmount.

In 1930, when McMaster, originally a Baptist university, relocated to Hamilton from Toronto, the James St. Baptist Church donated funds to the move and welcomed the faculty into their membership.

Designated Features

Important to the preservation of the James St. Baptist Church are the original features of the exterior facades, including the slate roof, masonry walls and detailing, all windows including the stained glass, and the door openings, but excluding the recent alterations of new doors and the new glazing of the front entrance.

PLANNING INFORMATION

James St. Baptist Church

CURRENT ZONING:

"I" (Central Business District, Etc)
District as are adjacent properties
to the north, east, south and west

PLANNING POLICIES:

Official Plan

Designated "Central Policy Area" on
Schedule A - Land Use Concept of the
Official Plan

-A wide range of uses are permitted
where compatibility among adjacent
uses can be achieved, including:

- Commercial Uses
- Residential Uses
- Light Industrial Uses
- Open Space Uses
- Major Institutional Uses

Neighbourhood Plan(s)

Not available at this time

CURRENT STATUS:

as of June 26, 1989

Heritage Designation - No
Listed Building - Yes
Site Plan Control - No
Demolition Control - No
Zoning Change - No

HAMILTON LACAC
HERITAGE RESEARCH FORM

NAME AND ADDRESS OF PROPERTY: James Steet Baptist Church
96 James St. South

PRESENT OWNER(s): James Street Baptist Church

PRESENT OCCUPANT(s): Same

PRESENT USE:



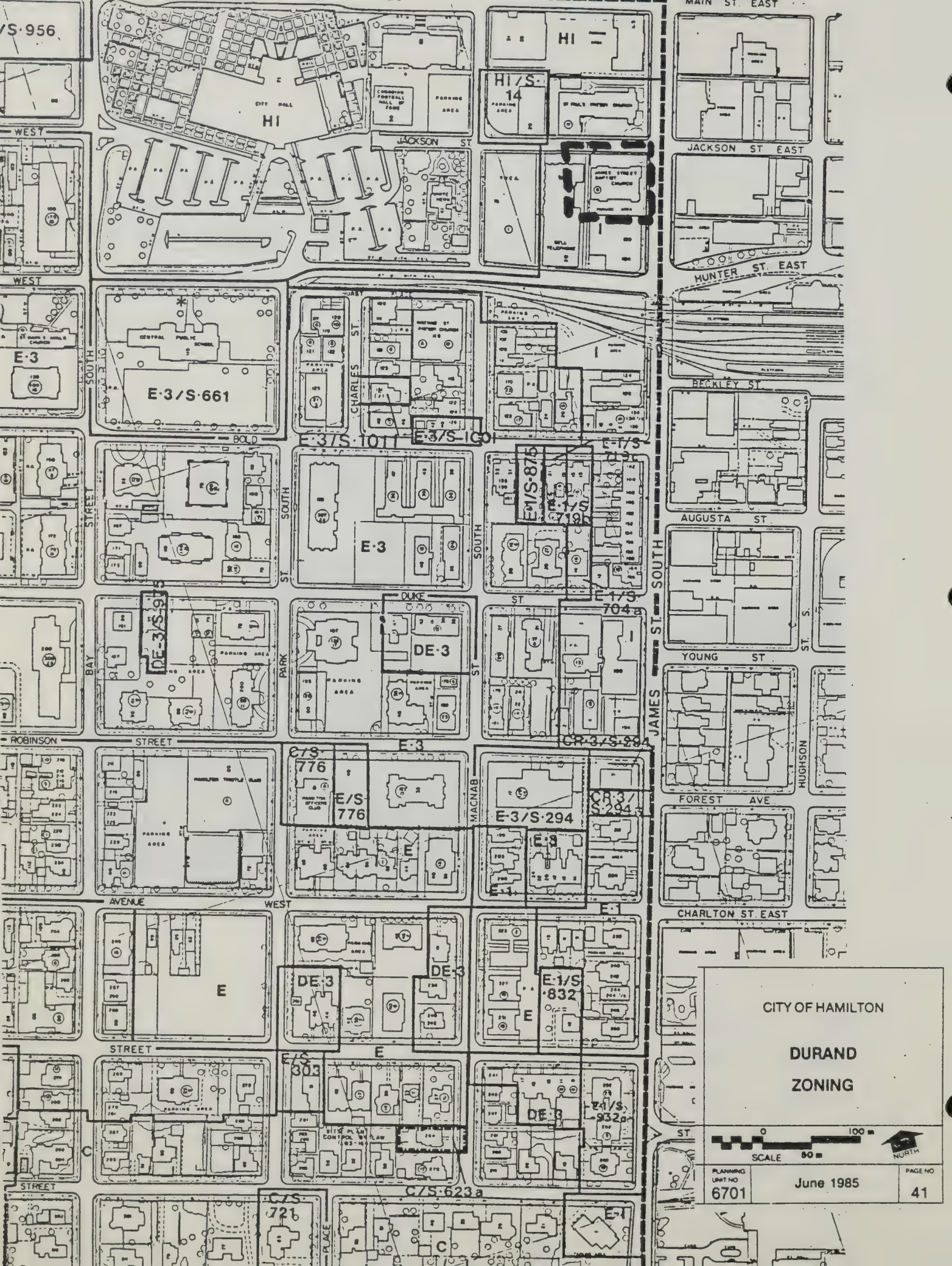
DATE OF CONSTRUCTION: 1879-1882

ARCHITECT AND/OR BUILDER: Joseph Connolly

ORIGINAL OWNER(s): James Street Baptist Church

ORIGINAL OCCUPANT(s): Same

SIGNIFICANCE: Architectural



VS-956

MAIN ST. EAST

WEST

WEST

E-3

E-3

ROBINSON

AVENUE

STREET

STREET

HI

CITY HALL

JACKSON ST

HI/S-14

HI

JACKSON ST. EAST

HUNTER ST. EAST

BECKLEY ST

AUGUSTA ST

YOUNG ST

FOREST AVE

CHARLTON ST. EAST

E-3/S-661

E-3/S-1011 E-3/S-101

DE-3/S-91

DE-3

E-1/S-876

E-1/S-704a

C-7/S-776

E/S-776

E-3/S-294

C-7/S-294

DE-3

DE-3

E-1/S-832

E-1/S-932a

C-7/S-721

C-7/S-623a

CITY OF HAMILTON

DURAND
ZONING

SCALE 0 50m 100m

PLANNING
UNIT NO
6701

June 1985

PAGE NO
41



james street baptist church

(416) 522-9042

96 James Street South, Hamilton, Ontario L8P 2Z2

June 7, 1989

Local Architectural & Conservation
Advisory Council
City Hall
Hamilton, Ontario

Attention: Diane Dent

Dear Mrs. Dent:

This is our application to have the exterior of
James Street Baptist Church designated as an Historical
Building.

We will look forward to hearing from you.

Sincerely,

Blanche McMillan

BMc/lg

Moderator

RECEIVED
PLANNING & DEVELOPMENT

JUN 7 1989

REGIONAL MUNICIPALITY OF
HAMILTON-WENTWORTH

FOR ACTION

15.

REPORT TO: SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT
COMMITTEE

DATE: October 4, 1989
COMM FILE:
DEPT. FILE: ZA-89-22
Mewburn East
Neighbourhood

FROM: J. D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

SUBJECT:

Request for a change in zoning - property located at Nos. 1514 - 1530 Upper James Street.

RECOMMENDATION:

That approval be given to amended Zoning Application 89-22, Giovanni Fortino, Umberto Spagnuolo, Stanislao Filice, Mario Presta, Oresta Presta, Franco Carobelli, Antonio Scornaienchi and Luciano Scornaienchi, owners, for a change in zoning from "AA" (Agricultural) District to "HH" (Restricted Community Shopping and Commercial) District (Block "1"); from "AA" (Agricultural) District modified to "HH" (Restricted Community Shopping and Commercial) District (Block "2"); and from "C" (Urban Protected Residential, etc.) District to "HH" (Restricted Community Shopping and Commercial) District (Blocks "3" and "4"), to permit a retail shopping plaza on property located at Nos. 1514 - 1530 Upper James Street, as shown on the attached map marked as APPENDIX "B", on the following basis:

- i) That the lands described as Block "1" be rezoned from "AA" (Agricultural) District to "HH" (Restricted Community Shopping and Commercial) District;
- ii) That the lands described as Block "2" be rezoned from "AA" (Agricultural) District modified, to "HH" (Restricted Community Shopping and Commercial) District;
- iii) That the lands described as Blocks "3" and "4" be rezoned from "C" (Urban Protected Residential, etc.) District to "HH" (Restricted Community Shopping and Commercial, etc.) District;
- iv) That the "HH" (Restricted Community Shopping and Commercial) District regulations as contained in Section 14A of Zoning By-law No. 6593 applicable to Blocks "1", "2", "3" and "4" be modified to include the following variances as special requirements:
 1. That notwithstanding Section 14A(3)(a) a front yard of a depth of at least 24 m shall be provided and maintained;
 2. That a minimum 6.0 wide landscape strip and, a visual barrier not less than 1.2 m in height and not greater than 2.0 m in height, shall be provided and maintained along the westerly rear lot line, and along the westerly 137.0 m of the northerly side lot line;

3. That a minimum 3.0 m wide landscaped area, excluding areas required for driveway accesses, shall be provided and maintained adjacent to the Upper James Street road allowance;
- v) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and that the subject lands on Zoning District Map W-9D be notated S- ;
- vi) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-9D for presentation to City Council;
- vii) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area;
- viii) That the Mewburn (East) Neighbourhood Plan be amended by redesignating the lands at the rear of the subject property (Areas "A" and "B" - APPENDIX "A") from "COMMERCIAL" to "SINGLE AND DOUBLE" residential, and by relocating the 6.0 m (20.0 ft.) wide landscape strip.

EXPLANATORY NOTE

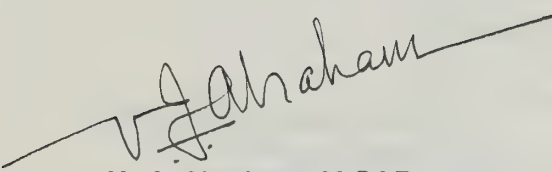
The purpose of this By-law is to provide for changes in zoning for property located at Nos. 1514 - 1530 Upper James Street, as shown on the attached map marked as APPENDIX "B", on the following basis:

- Block "1" - change from "AA" (Agricultural) District to "HH" (Restricted Community Shopping and Commercial, etc.) District.
- Block "2" - Change from "AA" (Agricultural) District modified to "HH" (Restricted Community Shopping and Commercial, etc.) District.
- Blocks "3" - Change from "C" (Urban Protected Residential, etc.) District to "HH" (Restricted
and "4" Community Shopping and Commercial) District.

The effect of the By-law is to permit future development of the subject lands for a retail shopping plaza.

In addition, the By-law provides for the following variances as special requirements:

- to require a minimum front yard depth of 24 m;
- to require a minimum 6.0 m wide landscape strip and, a 1.2 m to 2.0 m high visual barrier, to be provided and maintained along the westerly rear lot line and along the westerly 137.0 m of the northerly side lot line;
- to require a minimum 3.0 m wide landscaped area, excluding areas required for driveway accesses, to be provided and maintained adjacent to the Upper James Street road allowance.



V. J. Abraham, M.C.I.P.
Director of Local Planning

FINANCIAL IMPLICATIONS:

N/A

BACKGROUND:

It is the applicant's intention to develop the subject lands as well as adjoining lands to the north (ZA-89-23) for retail commercial purposes (plaza). To date, no site plan has been submitted showing details of development.

APPLICANTS:

Giovanni Fortino, Umberto Spagnuolo, Stanislao Filice, Mario Presta, Oresta Presta, Franco Carobelli, Antonio Scornaienchi and Luciano Scornaienchi, owners.

LOT SIZE AND AREA:

- 75.64 m (248.20 ft.) of lot frontage on Upper James Street;
- 282.28 m (926.13 ft.) of lot depth; and,
- 20,557 m² (221,284.8 sq. ft.) of lot area (irregular).

LAND USE AND ZONING:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	Garden centre/nursery, fruit & vegetable market and two residential uses	"AA" (Agricultural) District, "AA" (Agricultural) District modified, and "C" (Urban Protected Residential, etc.) District

Surrounding Lands

To the north	Single family dwelling and vacant	"C" (Urban Protected Residential, etc.) District and "AA" (Agricultural) District
To the south	Vacant	"G-1" (Designed Shopping Centre) District modified
To the east	Single family dwellings, a non-conforming warehouse and public hall	"G" (Neighbourhood Shopping Centre, etc.) District modified
To the west	Single family dwellings and vacant land	"AA" (Agricultural) District

OFFICIAL PLAN:

Designated "COMMERCIAL" on Schedule "A" - Land Use Concept Plan of the Official Plan and located within "SPECIAL POLICY AREA 31b" on Schedule "B" - SPECIAL POLICY AREAS.

The following policies, among others, would apply:

- "A.2.2.1. The primary uses permitted in the areas exceeding .4 hectare designated on Schedule "A" as COMMERCIAL will be for Commerce, defined as establishments involved in the buying and selling of goods and services; business offices; and hotels, convention and entertainment facilities.
- A.2.2.14. The EXTENDED COMMERCIAL category applies to existing stretches of individually-managed Commercial establishments located along Arterial Roads, serving both pedestrian and automobile-borne trade. It includes:
 - (ii) Larger-scaled "Highway" Commercial uses on deep lots, reliant on locations readily accessible to private vehicles specifically coming to, and parking on, the premises to do business.
- A.2.9.3.26. In keeping with the provisions of Subsection 2.2 Commercial Uses, for those lands shown on Schedule "B" as SPECIAL POLICY AREA 31 (which includes 31a, 31b and 31c), and designated "Commercial" on Schedule "A", the following will apply.

- (i) The Upper James Street frontage is recognized as a highway-oriented Commercial area which will include a diversity of retail and service uses catering not only to the travelling public, but to the daily needs of the adjacent neighbourhoods.
- (ii) In keeping with clause (i) above, three sub-areas are identified to provide the following uses within the Special Policy Area:
 - (b) In Area "31b", retail/warehouse uses will be permitted in keeping with Policies A.2.2.16 and A.2.2.18.
- (iv) Design guidelines will be prepared in conjunction with the Neighbourhood Plan to detail such matters as, but not limited to:
 - (a) Minimizing potential conflicts between the Commercial uses fronting on Upper James Street, and the Residential uses within the neighbourhood, by establishing an appropriate buffer or transitional area which may include landscaping berming and/or fencing;
 - (b) Providing guidelines to enhance the visual amenity of the Upper James Street frontage.
- (v) To ensure a co-ordinated approach in the development of Special Policy Areas 31, 31a, 31b and 31c, and to enhance Upper James Street as a viable Commercial area, proponents of development or redevelopment will be encouraged to co-operate with adjacent property-owners regarding such matters as, access, parking, architectural quality and design and landscaping".

The proposal does not conflict with the intent of the Official Plan.

NEIGHBOURHOOD PLAN:

Designated "COMMERCIAL" on the approved Mewburn (East) Neighbourhood Plan, the proposal complies with the intent of the Neighbourhood Plan.

UPPER JAMES STREET CORRIDOR URBAN DESIGN GUIDELINES:

The subject lands are designated "Commercial" in the Urban Design Guidelines.

The Guidelines include:

- A minimum lot depth of 90m (300 ft.).
- A minimum lot frontage of 30m (100 ft.).
- A 3m (10 ft.) landscaping strip along the front property line of Upper James.
- A front service road to the rear of the landscaping strip, 21m (70 ft.) in depth, which will include:
 - 2 rows of parking spaces, on the east and west sides.
 - a traffic laneway running north-south between the parking spaces.
- Fronts of commercial buildings located 24m (80 ft.) from the front property line with variable building depth.

The features of the Urban Design Guidelines will be implemented at the site plan approval stage of development.

COMMENTS RECEIVED:

- The Building Department, Hamilton Region Conservation Authority and the Local Architectural Conservation Advisory Committee staff have no comments or objections.
- The Traffic Department has advised that:

"The application to permit commercial and residential development of the subject lands is satisfactory subject to the provision that the boundaries of the Commercial land use are in accordance with the approved neighbourhood plan".

- The Hamilton-Wentworth Engineering Department has advised that:

"...public watermains as well as storm and sanitary sewers are available on Upper James to service the subject lands.

The designated road allowance width of Upper James Street is 36.58m (120 feet). In accordance with this designation it appears that a portion of the required road allowance widening was acquired by the Region. Therefore, as a condition of development approval, sufficient lands should be dedicated to the Region to establish the property line 18.29m (60 feet) from the centreline of the original Upper James Street.

Any works which may occur within the Upper James Street road allowance, as widened, must conform to the Region of Hamilton-Wentworth Roads Use By-Law.

We advise that as detailed site plans are submitted, we will determine whether roadway improvements on Upper James Street are required and if so, these improvements will be the responsibility of the applicant/owner.

We have no objection to the development of commercial designated areas as shown on the approved Mewburn Neighbourhood Plan but recommend that site plans be prepared prior to the final zoning approval. In accordance with the Upper James Street commercial study, we recommend that common access from this property and lands to the south and north be investigated to minimize the number of access points on Upper James and to provide the availability of all turning movements at these points to Upper James Street.

Once these preliminary site plans have been submitted, we can determine the location of accesses and the location of rights of ways between the properties".

COMMENTS:

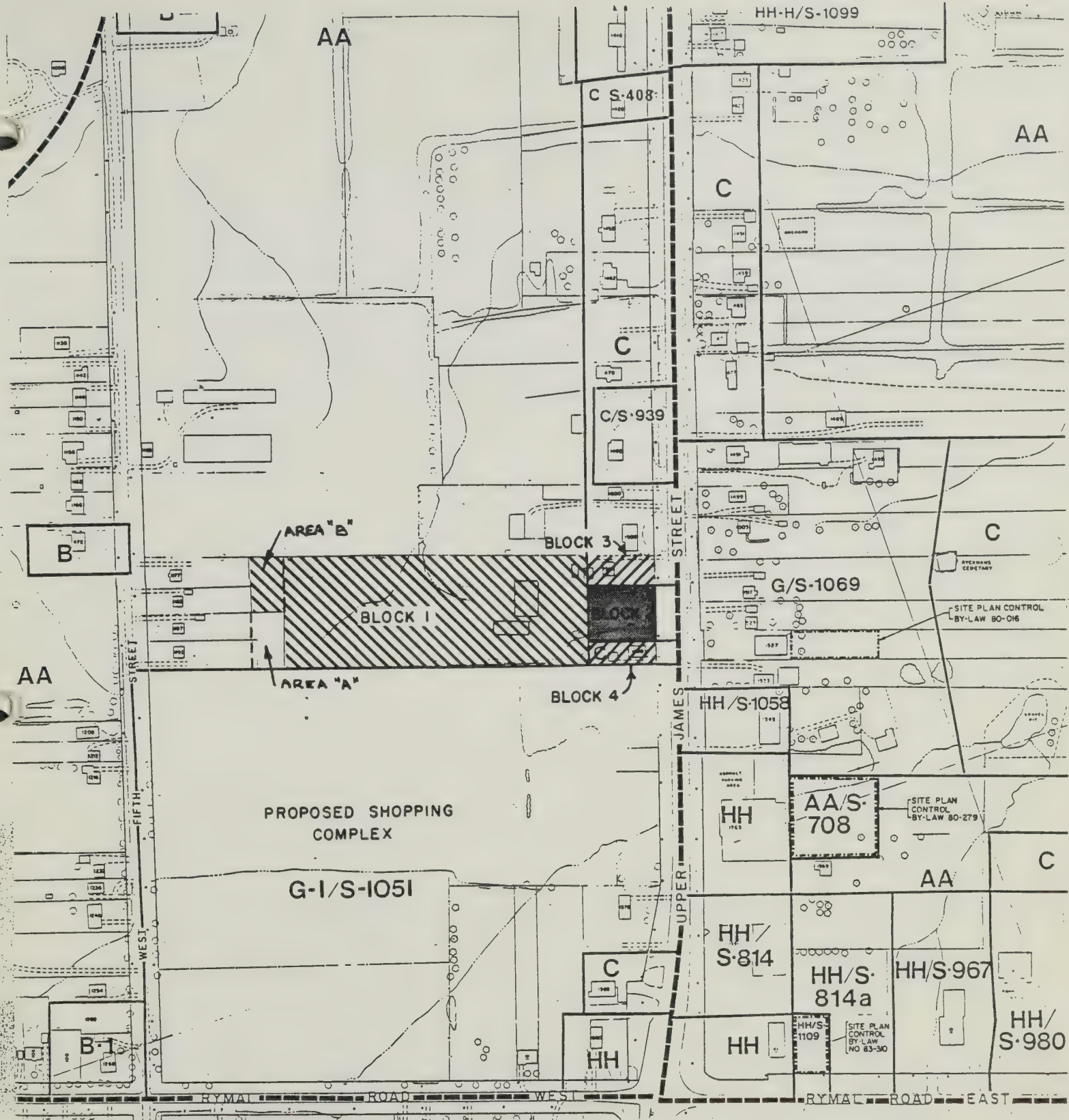
1. The proposal complies with the intent of the Official Plan.
2. The proposal complies with the intent of the approved Mewburn (East) Neighbourhood Plan. It is noted that the rear portion of lands at Nos 1187 and 1193 West Fifth Street (Area "A" on the attached map marked as APPENDIX "A") are designated "COMMERCIAL", and a 20' wide planting strip is required at this location to screen the proposed commercial development from residential development fronting onto West Fifth Street. These lands are not currently owned by the applicant but, preferably, should be included in development of the applicant's commercial site. To date, the applicant has been unsuccessful in acquiring the rear lands of Nos 1187 and 1193 West Fifth Street (Area "A"). Accordingly, the applicant should delete the rear portion of his site ("Area "B" on the attached map marked as APPENDIX "A") to "square-off" the rear property line. The deleted portion would require redesignation from "COMMERCIAL" to "SINGLE and DOUBLE" residential development, and would require a 20 ft. wide planting strip within the commercial development.
3. The proposal has merit and can be supported for the following reasons:
 - Commercial development implements the intent of both the Official Plan and the approved Mewburn (East) Neighbourhood Plan;
 - It would be compatible with existing and proposed commercial development contemplated in this area;

- It is situated on a major arterial road where more intense development is encouraged to locate;
 - It is readily accessible to public transit along Upper James Street;
 - It will serve the rapidly expanding residential development in the Upper James South Mountain Area;
 - It will act as a catalyst for attracting new development in this area.
4. The requested "HH" (Restricted Community Shopping and Commercial) District zoning would be appropriate, as it is consistent with zoning approved for other sites along both sides of Upper James Street between Stone Church Road and Rymal Road. The amending By-law will incorporate the applicable Urban Design Guideline requirements for the Upper James Street Corridor.
5. Development of the lands would be subject to the provisions of Site Plan Control By-Law 79-275 as amended by By-Law 87-223. Matters such as road widening, parking, loading, access, landscaping, fencing, grading, etc., including the Urban Design Guidelines will be further reviewed at the site plan stage of development.

CONCLUSION:

On the basis of the foregoing, the application can be supported.

GW/ll/ma
WPZA8922



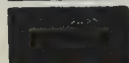
Legend

Proposed change in zoning:



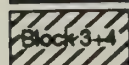
Block 1

From "AA"(Agricultural) District to "HH"(Restricted Community Shopping and Commercial.) District.

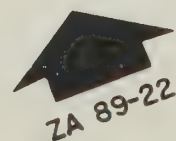


Block 3-4

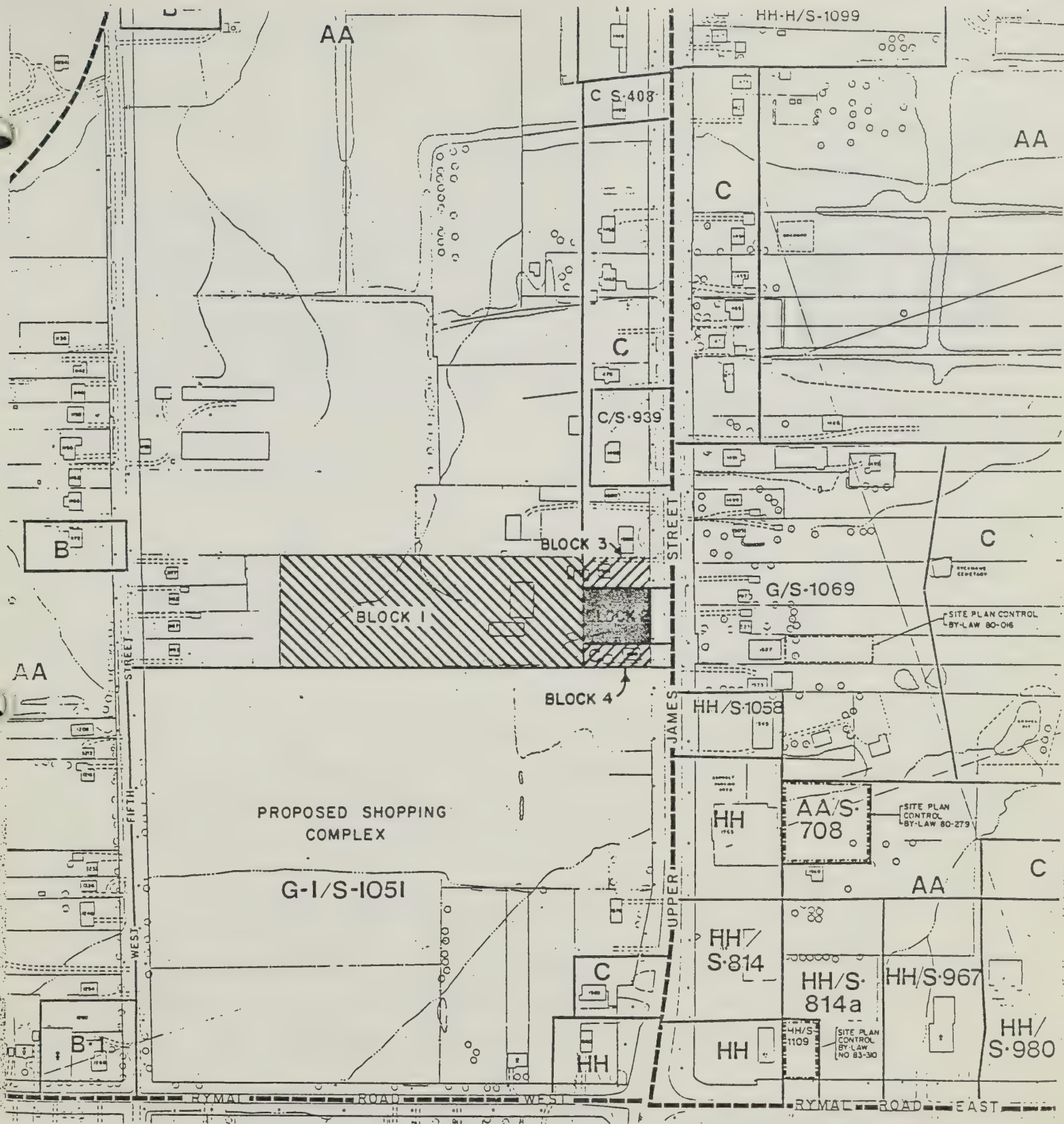
From "AA" (Agricultural) District, Modified to "HH"(Restricted Community Shopping and Commercial.)District.



From "C"(Urban Protected Residential, etc.) District to "HH"(Restricted Community Shopping and Commercial.) District.

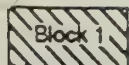


APPENDIX A



Legend

Proposed change in zoning:

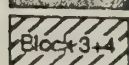


Block 1

From "AA"(Agricultural) District to "HH"(Restricted Community Shopping and Commercial.) District.



From "AA" (Agricultural) District, Modified to "HH"(Restricted Community Shopping and Commercial.)District.



Block 3+4

From "C"(Urban Protected Residential, etc.) District to "HH"(Restricted Community Shopping and Commercial.) District:



APPENDIX B

SEPT 22 1989

SECRETARY
PLANNING AND DEVELOPMENT COMMITTEE
CITY HALL
71 MAIN STREET WEST
HAMILTON, ONTARIO
L8N 3T4

15a

Re: ZONING CHANGES AS PER
FILE NUMBER ZA-89-22

DEAR MADAM,

MY NAME IS JIM ENOS AND I AM THE
OWNER OF #1187 WEST STIR STREET, I AM VERY MUCH
OPPOSED TO THE ABOVE MENTIONED ZONING CHANGE AS
IT IS NOT IN AGREEMENT WITH OFFICIAL PLAN.

IF YOU WILL NOTICE ON THE ENCLOSED PLAN
I HAVE SHADED IN MY PROPERTY. IT IS AN 'L' SHAPED
LOT WHICH I PURCHASED IN 1985.

THE LAST TIME THE OFFICIAL PLAN WAS
AMENDED THE 'L' PORTION OF MY LOT (58'x125')
WAS DESIGNATED AS COMMERCIAL. I NOTICE HERE
THAT IT IS NOT BEING INCLUDED AS COMMERCIAL
AND IS VIRTUALLY LEAVING IT LANDLOCKED.

I WOULD LIKE TO MAKE IT CLEAR THAT
I HAVE NEVER BEEN FORMALLY APPROACHED BY THE
FORTING GROUP TO BUY MY 'L' SHAPE AND I
FEEL THAT THIS ZONING CHANGE WOULD BE VERY
UNFAIR TO ME. IS IT NOT PROPER THAT THE FORTING
GROUP MAKE ME A FORMAL OFFER ON MY LAND?
I BELIEVE IT IS.

THUS I FEEL THAT THIS ZONING
CHANGE MUST BE REFUSED ON THE BASIS OF

1) IT IS AGAINST THE OFFICIAL PLAN

2) THE FORTINO GROUP HAS NOT MADE ANY EFFORT
TO PURCHASE THE LAND AND SQUARE OFF
THEIR LANDS

PLEASE PUT THIS LETTER ON THE RECORDS.

THANK-YOU

Jim Enos

#1187 WEST ST
HAMILTON
L9B 1S5

Ham 383-2282

FOR ACTION

16.

REPORT TO: SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT
COMMITTEE

DATE: October 5, 1989
COMM FILE:
DEPT. FILE: ZA-89-23
Mewburn (East)
Neighbourhood

FROM: J. D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

SUBJECT:

Request for a change in zoning - property located at No. 1508 Upper James Street.

RECOMMENDATION:

That Zoning Application 89-23, Giovanni Fortino, In Trust, owner, requesting a change in zoning from "AA" (Agricultural) District to "HH" (Restricted Community Shopping and Commercial) District (Block "1"); and from "C" (Urban Protected Residential, etc.) District to "HH" (Restricted Community Shopping and Commercial) District (Block "2"), for property located at No. 1508 Upper James Street, as shown on the attached map marked as APPENDIX "A", be DENIED for the following reasons:

- It conflicts with the intent of the Official Plan and approved Mewburn (East) Neighbourhood Plan, in that the rear portion of the site is designated for "ATTACHED HOUSING" and the front portion is designated for "NEIGHBOURHOOD COMMERCIAL", whereas the proposal is for highway commercial type zoning which provides for a wide range of non-neighbourhood commercial type uses;
- The proposal conflicts with the Upper James Street Urban Design Guidelines;
- The proposal is premature pending the assembly of adjoining lands to the north to provide for a comprehensive Neighbourhood Shopping facility at the intersection of the proposed Neighbourhood collector road and Upper James Street.


V. J. Abraham, M.C.I.P.
Director of Local Planning

FINANCIAL IMPLICATIONS:

N/A

BACKGROUND:

It is the applicant's intention to develop the subject lands as well as adjoining lands to the south (ZA-89-22) for retail commercial purposes (plaza). To date, no site plan has been submitted showing details of the development.

APPLICANT:

Giovanni Fortino, In Trust, owner.

LOT SIZE AND AREA:

- 35.814m (117.5 ft.) of lot frontage on Upper James Street;
- 160.26m (525.79 ft.) of lot depth; and,
- 7,789m² (83,853 sq. ft.) of lot area.

LAND USE AND ZONING

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	Single-family dwelling	"AA" (Agricultural) District and "C" (Urban Protected Residential, etc.) District
<u>Surrounding Lands</u>		
To the north	Single-family dwelling and a car dealership	"AA" (Agricultural) District, "C" (Urban Protected Residential, etc.) District, and "C" (Urban Protected Residential, etc.) District, modified
To the south	Single-family dwellings, a Garden Centre/Nursery, Fruit and Vegetable market	"AA" (Agricultural) District, "AA" (Agricultural) District, Modified, and "C" (Urban Protected Residential, etc.) District
To the east	Single-family dwellings, a non-conforming warehouse and public hall	"G" (Neighbourhood Shopping Centre etc.) District, modified
To the west	Vacant	"AA" (Agricultural) District

OFFICIAL PLAN:

Designated "COMMERCIAL" on Schedule "A" - Land Use Concept Plan of the Official Plan and located within "SPECIAL POLICY AREA 31C" on Schedule "B" - SPECIAL POLICY AREAS.

The following policies among others would apply:

- "A.2.2.1 The primary uses permitted in the areas exceeding .4 hectare designated on Schedule "A" as COMMERCIAL will be for Commerce, defined as establishments involved in the buying and selling of goods and services, business offices, and hotels, convention and entertainment facilities.
- A.2.2.14 The EXTENDED COMMERCIAL category applies to existing stretches of individually-managed Commercial establishments located along arterial roads, serving both pedestrian and automobile-borne trade.
- It includes:
- (ii) Larger-scaled "Highway Commercial" uses on deep lots, reliant on locations readily accessible to private vehicles specifically coming to, and parking on, the premises to do business.
- A.2.9.3.26 In keeping with the provisions of Subsection 2.2, Commercial Uses, for those lands shown on Schedule "B" as SPECIAL POLICY AREA 31 (which includes 31a, 31b and 31c), and designated "Commercial" on Schedule "A", the following will apply:
- i) The Upper James Street frontage is recognized as a highway-oriented Commercial area which will include a diversity of retail and service uses catering not only to the travelling public, but to the daily needs of the adjacent neighbourhoods.
- ii) In keeping with clause (i) above, three sub-areas are identified to provide the following uses within the Special Policy Area:
- c) In Areas "31c", neighbourhood-based retail and service uses catering to the adjacent Residential areas will be permitted. However, in the case of the Area identified as "31c", located mid-block collector (as may be determined through the Neighbourhood Plan), retail warehouse uses will also be permitted in addition to neighbourhood-based retail and service uses. Development of these Areas may take place east-west along the collector (as opposed to the Upper James Street frontage).

- iii) In accordance with Subsection D.2., the preparation of Neighbourhood Plans in this AREA will consider the following:
 - b) the extent of Commercial, mixed Commercial/Residential uses, retail/warehouse uses and neighbourhood-based retail and service uses;
- iv) Design guidelines will be prepared in conjunction with the Neighbourhood Plan to detail such matters as, but not limited to:
 - a) Minimizing potential conflicts between the Commercial uses fronting on Upper James Street, and the Residential uses within the Neighbourhood, by establishing an appropriate buffer or transitional area which may include landscaping, berming and/or fencing;
 - b) Providing guidelines to enhance the visual amenity of the Upper James Street frontage; and,
 - c) Ensuring in Areas 31c compatibility with adjacent Residential uses, pedestrian access to and from the abutting neighbourhoods and, continuous pedestrian linkage between commercial developments.
- v) To ensure a co-ordinated approach in the development of Special Policy Areas 31, 31a, 31b and 31c, and to enhance Upper James Street as a viable Commercial area, proponents of development or redevelopment will be encouraged to co-operate with adjacent property-owners regarding such matters as, access, parking, architectural quality and design, and landscaping".

In accordance with Policy A.2.9.3.26 iii)b), the proposal conflicts with the intent of the Official Plan. Approval of the application would require an amendment to the Neighbourhood Plan to redesignate the site from "ATTACHED HOUSING" and "NEIGHBOURHOOD COMMERCIAL" to "COMMERCIAL & RETAIL WAREHOUSE."

NEIGHBOURHOOD PLAN:

Designated in part for "NEIGHBOURHOOD COMMERCIAL" and in part for "ATTACHED HOUSING" on the approved Mewburn (East) Neighbourhood Plan. The proposal conflicts with the intent of the approved Mewburn (East) Neighbourhood Plan. Approval of the application would require redesignation of the rear portion of the site from "ATTACHED HOUSING" to "COMMERCIAL & RETAIL WAREHOUSE", as well as redesignation of the front portion of the site from "NEIGHBOURHOOD COMMERCIAL" to "COMMERCIAL & RETAIL WAREHOUSE". In addition, the 6.0 m (20.0 ft.) wide landscape strip must be relocated.

UPPER JAMES STREET CORRIDOR
URBAN DESIGN GUIDELINES:

The subject lands are designated "NEIGHBOURHOOD COMMERCIAL" in the Urban Design Guidelines.

The Guidelines include:

- a lot depth of 130 m (425.0 ft.) along collector road;
- entire area to be developed as a whole, to ensure appropriate design;
- frontage of 90 m (300 ft.) on Upper James Street.
- angular strip plazas, with frontage on both Upper James Street and the mid-block collector road;
- a triangular open area reserved for pedestrians on the front corners, approximately 310 sq. m. (11,000 sq.ft.) in size on each corner;
- parking area located to the rear of the plazas;
- maximum building height of 3 to 4 stories, if residential apartments included on upper floors.

The proposal conflicts with the intent of the Urban Design Guidelines.

COMMENTS RECEIVED

- The Building Department, Hamilton Region Conservation Authority and the Local Architectural Conservation Advisory Committee Staff have no comments or objections.
- The Traffic Department has advised that:

 "The application to permit commercial and residential development of the subject lands is satisfactory subject to the provision that the boundaries of the commercial land use are in accordance with the approved neighbourhood plan."
- The Hamilton-Wentworth Engineering Department has advised that:

 "...public watermains as well as storm and sanitary sewers are available on Upper James to service the subject lands.

The designated road allowance width of Upper James Street is 36.58 m (120 feet). In accordance with this designation it appears that a portion of the required road allowance widening was acquired by the Region. Therefore, as a condition of zoning change approval, sufficient lands should be dedicated to the Region to establish the property line 18.29 m (60 feet) from the centreline of the original Upper James Street road allowance.

Any works which may occur within the Upper James Street road allowance as widened, must conform to the Region of Hamilton-Wentworth Roads Use By-law.

We advise that when detailed site plans are submitted, we will determine whether roadway improvements on Upper James Street are required and if so, these improvements will be the responsibility of the applicant/owner.

We have no objection to the development of commercial designated areas as shown on the approved Mewburn Neighbourhood Plan but recommend that site plans be prepared prior to the final zoning approval. In accordance with the Upper James Street commercial study, we recommend that common access from this property and lands to the south be investigated to minimize the number of access points on Upper James and to provide the availability of all turning movements at these points to Upper James Street.

Once these preliminary site plans have been submitted, we can determine the location of accesses and the location of rights-of-ways between the properties required to be included in the zoning report."

COMMENTS

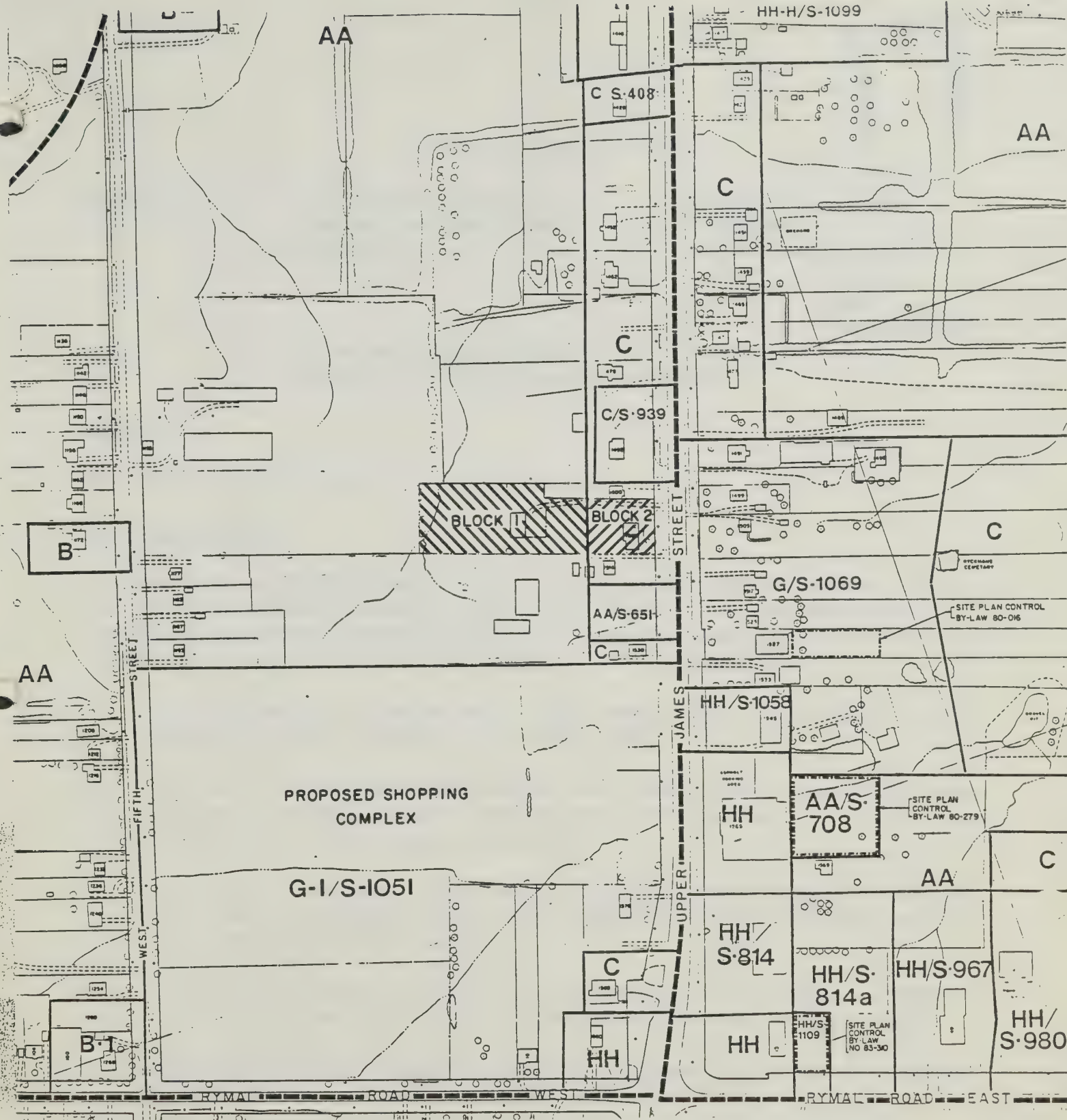
1. The proposal conflicts with the intent of the Official Plan, in that Neighbourhood Plan changes are required to redesignate the site from "ATTACHED HOUSING" and "NEIGHBOURHOOD COMMERCIAL" to "COMMERCIAL & RETAIL WAREHOUSE".
2. The proposal conflicts with the intent of the approved Mewburn (East) Neighbourhood Plan, in that the proposal is for highway commercial type uses as opposed to neighbourhood commercial type uses. Furthermore, approval of the application would require redesignation of the rear 38.1 m (125.0 ft.) of the subject lands from "ATTACHED HOUSING" to "COMMERCIAL & RETAIL WAREHOUSE", as well as redesignation of the front portion of the site from "NEIGHBOURHOOD COMMERCIAL" to "COMMERCIAL & RETAIL WAREHOUSE". In addition, a required 6.0 m (20.0 ft.) wide landscaped strip must be relocated. The proposal represents a major departure from the approved Mewburn (East) Neighbourhood Plan, and as such, would interfere with the orderly development of adjoining lands and cannot be supported.
3. The proposal conflicts with the Upper James Street Urban Design Guidelines, in that:
 - the depth of the proposed commercial development (160.26 m (525.79 ft.)) exceeds that established by the Urban Design Guidelines (129.54 m (425.0 ft.));

- the depth of the proposed commercial development (160.26 m (525.79 ft.)) exceeds that established by the Urban Design Guidelines (129.54 m (425.0 ft.));
 - the neighbourhood commercial site requires a minimum lot frontage of 90 m (300 ft.) on Upper James Street, whereas this application involves only 35.81 m (117.5 ft.) of lot frontage;
 - the entire area proposed for Neighbourhood Commercial uses is to be developed as a whole to ensure appropriate design, whereas only part of the designated area is proposed to be developed.
4. The proposal is premature pending the assembly of adjoining lands to the north to provide for a comprehensive neighbourhood shopping facility at the intersection of the proposed neighbourhood collector road and Upper James Street.
5. The requested "HH" (Restricted Community Shopping and Commercial) District is inappropriate for development of a neighbourhood commercial site, as it provides for a wide range of highway commercial uses which serve the city at large, rather than commercial uses which serve the immediate needs of the neighbourhood. The most appropriate zoning for a Neighbourhood Shopping facility would be a "G-4" District which provides for a limited number of neighbourhood type commercial uses. In this regard, such zoning should only be applied to those lands designated for "NEIGHBOURHOOD COMMERCIAL" use on the approved Mewburn (East) Neighbourhood Plan.

CONCLUSION

On the basis of the foregoing, the application cannot be supported.

GAW/ma
WPZA8923



Legend

Proposed change in zoning from:



"AA" (Agricultural) District to "HH" (Restricted Community Shopping and Commercial) District



"C" (Urban Protected Residential, etc.) District to "HH" (Restricted Community Shopping and Commercial) District



FOR ACTION

17.

REPORT TO:

SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT
COMMITTEE

DATE: October 3, 1989
COMM FILE

DEPT FILE: ZA-89-71
Kennedy
East
Neighbourhood

FROM:

J.D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

SUBJECT

Request for a change in zoning - No. 57 Rymal Road West.

RECOMMENDATION

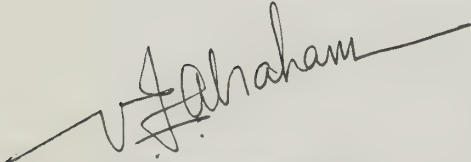
That approval be given to Zoning Application 89-71, Angelina Vucetich, owner, for a change in zoning from "C" (Urban Protected Residential, etc.) District to "HH" (Restricted Community Shopping and Commercial) District to permit commercial development for property located at No. 57 Rymal Road West, as shown on the attached map marked as APPENDIX "A", on the following basis:

- i) That the subject lands be rezoned from "C" (Urban Protected Residential, etc.) District to "HH" (Restricted Community Shopping and Commercial) District;
- ii) That the "HH" (Restricted Community Shopping and Commercial) District regulations as contained in Section 14A of Zoning By-law No. 6593 applicable to the subject lands be modified to include the following variance as a special requirement:
 - a) That a minimum 3.0 m wide landscaped planting strip and a visual barrier of not less than 1.2 m and not more than 2.0 m in height shall be provided and maintained along the entire southerly rear lot line;
- iii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and that the subject lands on Zoning District Maps W-9D and W-9E be notated S- ;
- iv) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Maps W-9D and W-9E for presentation to City Council; and,
- v) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

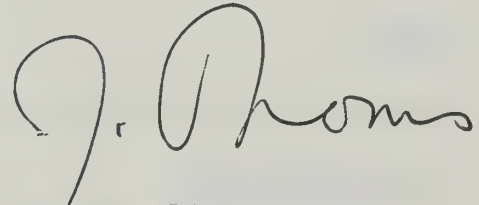
EXPLANATORY NOTE

The purpose of the proposed By-law is to provide for a change in zoning from "C" (Urban Protected Residential, etc.) District to "HH" (Restricted Community Shopping and Commercial) District for property located at No. 57 Rymal Road West, as shown on the attached key map.

The effect of the By-law is to permit future commercial development for the subject property.



**V.J. Abraham, M.C.I.P.
Director of Local Planning**



**J.D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department**

FINANCIAL IMPLICATIONS

N/A

BACKGROUND

It is the applicant's intention to provide a variety of commercial uses on the property.

Zoning Application 89-21 - 35 Rymal Road West

At its meeting held on June 14, 1989, the Planning and Development Committee recommended approval of Zoning Application 89-21 for a change in zoning from "C" (Urban Protected Residential, etc.) District to "HH" (Restricted Community Shopping and Commercial) District for property located at No. 35 Rymal Road West.

City Council, at its meeting held on June 27th 1989, adopted the recommendation of the Planning and Development Committee.

Zoning Application 89-25 - 41 Rymal Road West

At its meeting held on June 14, 1989, the Planning and Development Committee recommended approval of Zoning Application 89-25 for a change in zoning from "C" (Urban Protected Residential, etc.) District to "HH" (Restricted Community Shopping and Commercial) District for property located at No. 41 Rymal Road West.

City Council, at its meeting held on June 27, 1989, adopted the recommendation of the Planning and Development Committee.

APPLICANT

Angelina Vucetich, owner.

LOT SIZE AND AREA

The subject property is a rectangular shaped piece of property having:

- o 103.632 m (340 feet) of lot frontage along Rymal Road West;
- o 60.96 m (200 feet) of lot depth; and,
- o 6,316.92 m² (67,997 square feet) of lot area.

LAND USE AND ZONING

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	vacant	"C" (Urban Protected Residential, etc.) District
<u>Surrounding Lands</u>		
to the north	vacant	"G-1" (Designed Shopping Centre) District
to the south	single-family residences	"B" (Suburban Agriculture and Residential, etc.) District
to the west	single-family residences	"C" (Urban Protected Residential, etc.) District
to the east	single-family residences	"C" (Urban Protected Residential etc.) District

OFFICIAL PLAN

Designated "COMMERCIAL" on Schedule "A" - Land Use Concept of the Official Plan, the proposal complies with the intent of the Official Plan.

NEIGHBOURHOOD PLAN

Designated "COMMERCIAL" on the approved Kennedy East Neighbourhood Plan, the proposal complies with the intent of the plan.

COMMENTS RECEIVED

- o The Local Architectural Conservation Advisory Committee Staff, the Hamilton Region Conservation Authority and the Hamilton-Wentworth Regional Police Department have no comment or objection.

- o The Traffic Department has advised that the application is "satisfactory".

- o The Building Department has advised that:

"No plans have been submitted to determine compliance with the provisions of Zoning By-law 6593."

- o The Hamilton-Wentworth Engineering Department has advised that:

"Please be advised that public watermainas as well as combined storm and sanitary sewers are available to service the subject lands.

The designated road allowance width of Rymal Road West is 36.0 m (118.11 feet). In accordance with this designation we recommend that as a condition of development approval that a strip of land 4.8936 m in width be dedicated to the Region for road widening purposes across the entire frontage of land to be rezoned.

In the absence of any plans being submitted for our review, we advise that any works within the Rymal Road allowance, as widened, must conform to the Region's Road Use By-law.

Any roadway improvements required on Rymal Road as a result of this development approval may be at the expense of the owner/applicant and the details of this access approval will be finalized at the Site Plan stage.

There are tentative plans to build a Regional Shopping Centre on the north side of Rymal Road between West 5th Street and Upper James Street. The construction of this shopping centre will require roadway improvements to Upper James Street and Rymal Road and these improvements will likely include the construction of raised concrete medians islands adjacent to the subject lands which will likely restrict access to the subject lands of this rezoning to right turn in and right turn out only."

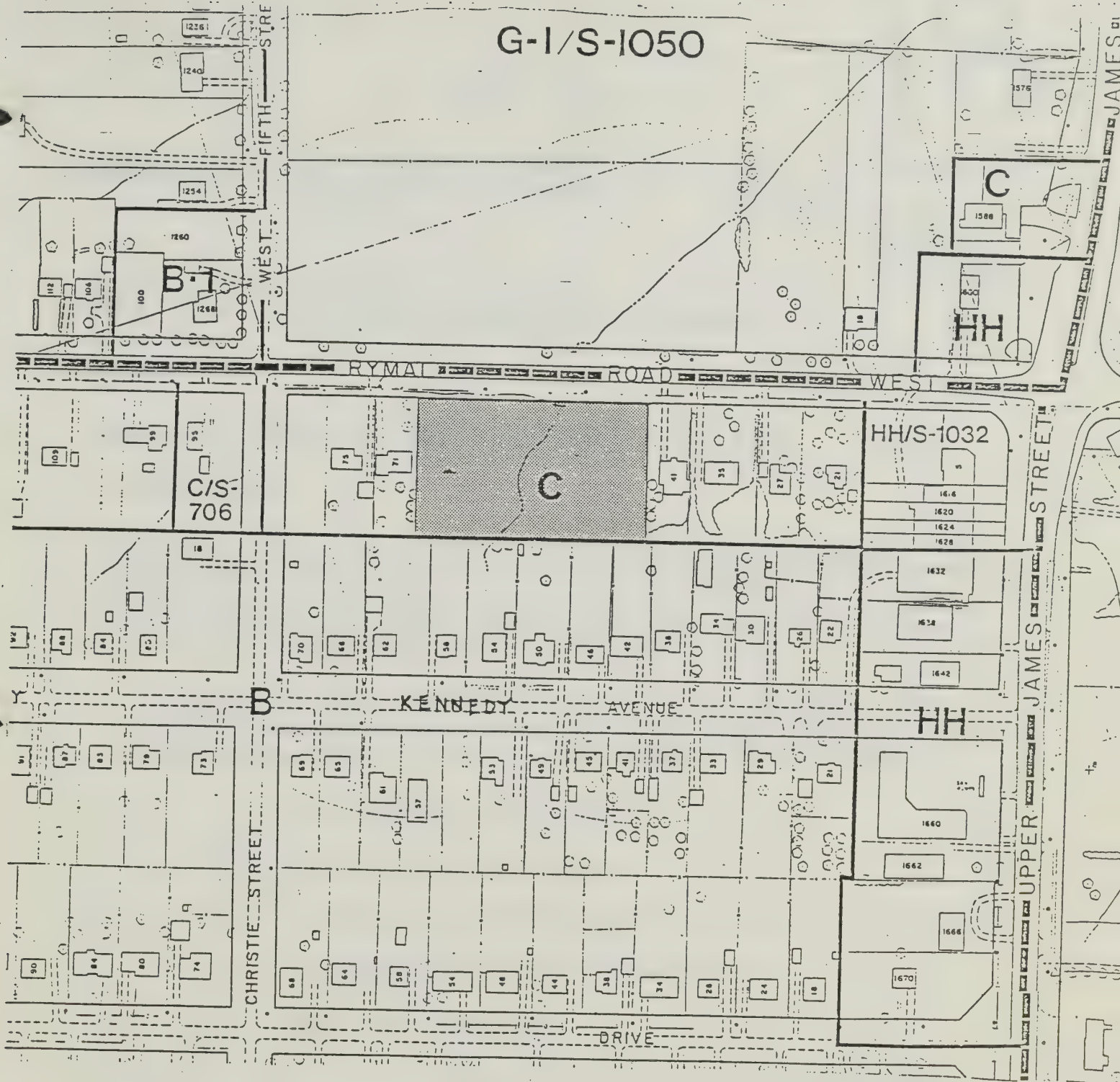
COMMENTS

1. The proposal complies with the intent of the Official Plan.
2. The proposal complies with the intent of the approved Kennedy East Neighbourhood Plan.
3. The proposal has merit and can be supported for the following reasons:
 - i) it implements the intent of both the Official Plan and the approved Kennedy Neighbourhood Plan;
 - ii) it would be compatible with existing and future intended commercial development along Rymal Road West; and,
 - iii) the requested zoning would be consistent with other commercially zoned land in the surrounding area.
4. The subject lands abut a residential zoning district to the south. In order to properly buffer and screen the proposal from the existing residential uses, a visual barrier of not less than 1.2 m (3.94 feet) and not more than 2.0 m (6.56 feet) high should be provided and maintained along the southerly lot line. In addition, the "HH" District regulations require a rear yard setback of at least 6.0 m (19.69 feet) be provided. Within this setback, the applicant should be required to provide a landscaped planting strip with a width of at least 3.0 m (9.48 feet) in order to mitigate any possible adverse effect of the proposal on the adjacent residential uses.
5. The Hamilton-Wentworth Engineering Department has advised that a strip of land 4.8936 m wide must be dedicated to the Region for road widening purposes. In addition, the Department has suggested that the applicant should be aware that access to the property may be restricted and that the applicant may be required to contribute financially for these road works. These and other matters (e.g. access, landscaping, paving, etc.) will be dealt with during the Site Plan approval stage.

CONCLUSION

Based on the foregoing, the application can be supported.

MLT/ma
WPZA8971

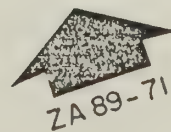


Legend



Site of the Application

APPENDIX A J



FOR ACTION

18.

REPORT TO:

SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT
COMMITTEE

DATE:

October 4, 1989

COMM FILE:

DEPT FILE:

ZA-89-52

Bruleville

Neighbourhood

FROM:

J.D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

SUBJECT:

Request for a modification to the zoning - No. 1036 Upper Wentworth Street.

RECOMMENDATION:

That approval be given to Zoning Application 89-52, Duncan Beattie Insurance Agency Ltd., owner, requesting a further modification to "HH" (Restricted Community Shopping and Commercial, etc) District provisions, to permit the construction of a new two storey building containing an insurance office on the first floor and an apartment unit on the second floor, for the property located at No. 1036 Upper Wentworth Street, as shown on the attached map marked as APPENDIX "A", on the following basis:

- i) That the "HH" (Restricted Community Shopping and Commercial, etc.) District provisions as contained in Section 14A of Zoning By-law No. 6593, as amended by By-law 81-305 and By-law 83-83, applicable to the subject lands, be further amended on the following basis:
 - a) That By-law 83-83 be repealed in its entirety.
 - b) That By-law 81-305 be amended as follows:
 - (i) by deleting the words "within the existing building" from Section 2.(a)(i)1; and,
 - (ii) by adding the following new use as Section 2.(a)(iii);
 - "(iii) RESIDENTIAL USE:
 - 1. One dwelling unit above the permitted commercial use.
 - c) That notwithstanding Section 14A(3)(a), a front yard having a depth of at least 1.0 m shall be provided and maintained.
 - d) That Section 14A(3)(b) shall not apply to the northerly side yard.
 - e) That a minimum 3.5 m wide access driveway shall be provided and maintained adjacent to the northerly side lot line.

- f) That notwithstanding Section 14A(4), a minimum lot area of 263 m² shall be provided and maintained.
- ii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-768b, and that the subject lands on Zoning District Map E-18A be notated S-768b;
- iii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-18A for presentation to City Council;
- iv) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

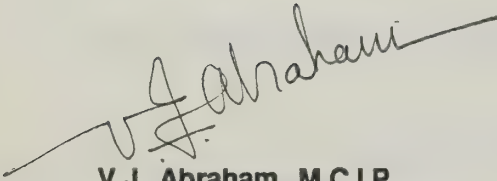
EXPLANATORY NOTE:

The purpose of this By-law is to provide for a further modification to the "HH" (Restricted Community Shopping and Commercial, etc.) District provisions, for the property located at No. 1036 Upper Wentworth Street, as shown on the attached map marked as APPENDIX "A".

The effect of this By-law is to permit the construction of a new two storey building, containing an insurance office on the first floor and apartment unit on the second floor.

In addition the By-law provides for the following variances:

- to provide a minimum lot area of 263 m² whereas, 360m² is required;
- to provide a minimum front yard of 1.0 m instead of the required 12 m;
- to exempt the development from providing a northerly side yard; and
- to provide a minimum 3.5 m wide access driveway adjacent to the northerly side lot line, whereas a minimum 6.0 m wide access is required.


V.J. Abraham, M.C.I.P.
Director of Local Planning

FINANCIAL IMPLICATIONS

N/A

BACKGROUND:

- By-law 81-305

In 1981, the subject lands were rezoned from "AA" (Agricultural) District to "HH" (Restricted Community Shopping and Commercial, etc.) District, modified. The purpose of the By-law was to restrict the use of the property for an office; in addition, 2 parking spaces were required.

- By-law 83-83

In 1983, the subject lands were further modified to permit the construction of a second storey addition for a dwelling unit. The additions were required to maintain the same yards as the existing building.

- Proposal

The applicant wishes to demolish the existing building and construct a new two story building which will have an insurance office on the ground floor and one dwelling unit above.

LOT SIZE AND AREA:

- 13.7m (45 ft.) of lot frontage on Upper Wentworth Street;
- 19.2m (63 ft.) of lot depth; and,
- 263.37 m² (2835 sq. ft.) of lot area.

LAND USE AND ZONING

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	Insurance Office	"HH" (Restricted Community Shopping and Commercial, etc.) District, modified

Surrounding Lands

To the north	Cemetery and car dealership	"AA" (Agricultural) District and "HH" (Restricted Community Shopping and Commercial, etc.) District, modified
To the south and west	Royal Canadian Legion	"HH" (Restricted Community Shopping and Commercial, etc.) District, modified
To the east	Limeridge Mall	"G-2" (Regional Shopping Centres) District

OFFICIAL PLAN:

The subject lands are designated COMMERCIAL on Schedule "A"- land use concept. The proposal complies with the intent of the Plan.

NEIGHBOURHOOD PLAN:

The subject lands are designated "Commercial" on the approved Bruleville Neighbourhood Plan. The proposal complies with the intent of the Plan.

RESULTS OF CIRCULARIZATION:

- The following departments/agencies have no comments or objections:
 - LACAC;
 - Hamilton Region Conservation Authority.
- The Freeway Project Office has advised as follows:
 - "1. the Freeway Project Office does not require additional property for street widening in front of the above noted property; and
 2. the proposed entrance will not interfere with the operation of the future south-west ramp for the Upper Wentworth/East-West Freeway interchange".
- The Building Department has advised that variances are required for the lot area, northerly side yard, front yard, and width of access drive.

- The Hamilton-Wentworth Engineering Department have advised that:

The designated road allowance width of Upper Wentworth Street is 36.58 m (120 feet). In accordance with this designation the Region previously acquired the required road allowance widening shown as part 31 on Reference Plan 62R-5049.

Comments from the City of Hamilton Traffic Department on access and manoeuvring should be considered. We normally require 5 m x 5 m daylight visibility triangle between the access drive and the property line. However, due to the size of these lands it may be impractical to establish these triangles and a reduction to +/- 3.0 m daylight triangles could be considered. As can be seen modifications to the building envelope may be required. It is also desirable to establish a front yard of a 1.0 m minimum to ensure adequate visibility for lands on the side of this property at such time as the interchange ramps at the Freeway are constructed.

In our meeting with the applicant he stated that he presently uses Legion lands for access to his property and the Legion has no objection to this arrangement. However, they are not prepared to grant him a right-of-way since the authority to sign this by the Legion is virtually impossible. Therefore, our review of this property and access considerations, etc. must be wholly contained on the subject lands. In our previous discussions with the applicant, we stated that the access must be widened to accommodate two-way traffic i.e. enough room to store one vehicle should another enter the access. Since Upper Wentworth is designated as a major arterial 36 m road allowance it is desirable to have a two-way access."

- The Traffic Department has advised that they would not be opposed to a single-car access driveway, but would require a minimum 1 m building setback from Upper Wentworth Street. Furthermore, they also prefer the option of having the building located to the rear of property.

COMMENTS:

- 1) The proposal complies with the intent of both the Official Plan and approved Bruleville Neighbourhood Plan.
- 2) The proposed new, two storey, mixed commercial/residential building merits consideration for the following reasons:
 - a) it implements the intent of both the Official Plan and the approved Bruleville Neighbourhood Plan;
 - b) it is consistent with the use, bulk and scale of development permitted on the subject lands under the current modified zoning;

- c) the commercial use is in keeping with the commercial uses to the north, south and east of the subject lands;
- d) it represents an improvement over the existing building;
- e) it is located on a major arterial roadway (Upper Wentworth Street).

3) The preliminary Site Plan submitted with the application establishes the following variances:

- a front yard of 1.0 m instead of the required 12m. As the proposed building will maintain a front yard setback similar to the setback currently permitted under the existing modified zoning, the requested variance is considered minor in nature and can be supported.

It should be noted, that both the Engineering and Traffic Departments have recommended that a minimum 1.0 m front yard setback be provided.

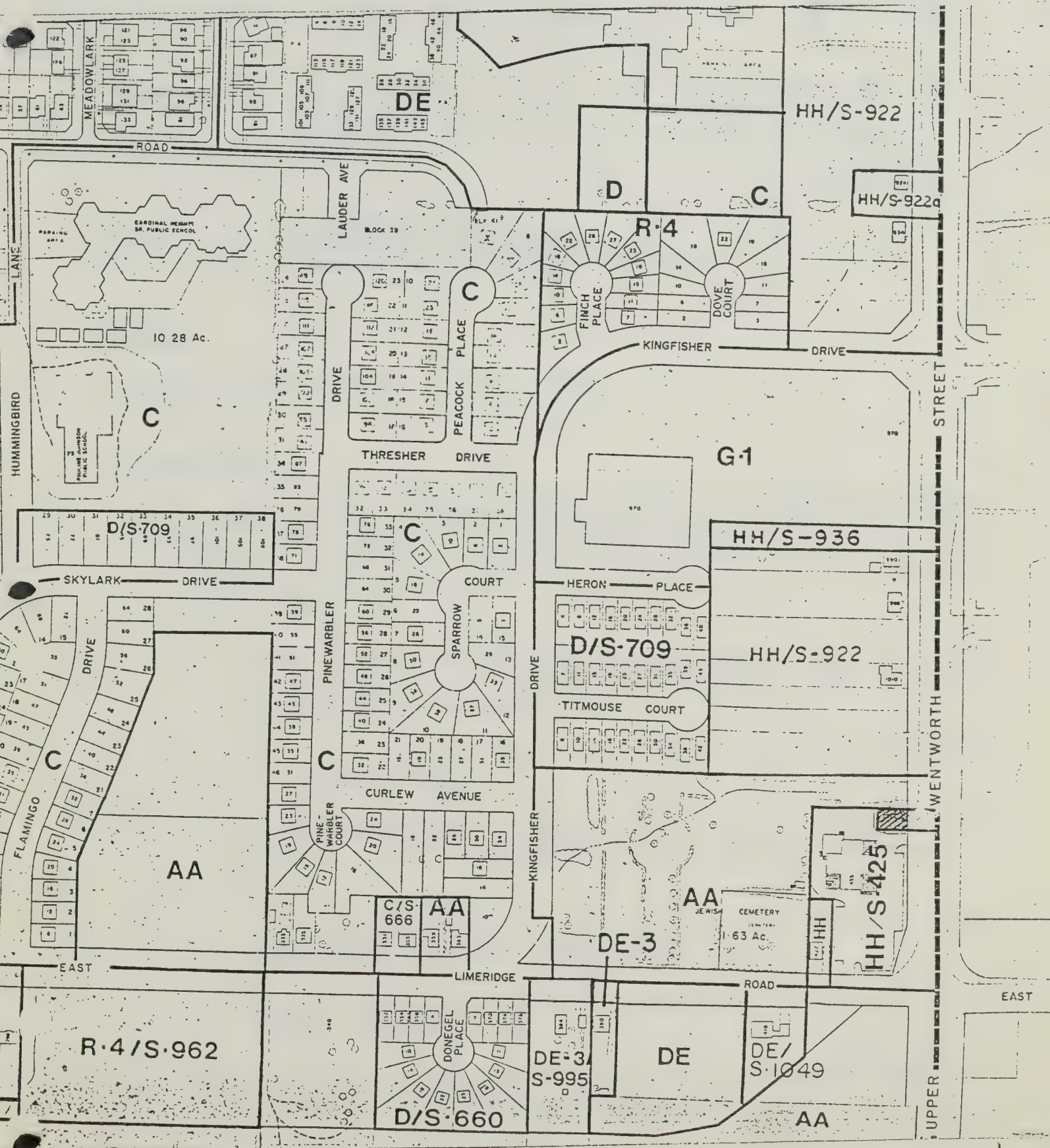
- a northerly side yard of 0.0m instead of the required 4.5m. The subject lands abut an "AA" District (cemetery) to the north and, therefore, the property must maintain the same side yard as required by this district. The intent of this requirement is to minimize impacts on adjacent uses. However, since the lands are used for cemetery purposes, the impacts from the proposed building would be minimal. The variance may be supported.
- an access road having a minimum width of 6.0 m is required along the northerly lot line (14A(3)(b)) whereas the carport has a minimum width of 3.5 m. In this regard, the Traffic Department has advised that they are not opposed to a single-car access. Accordingly, the variance can be supported.
- a lot area of 263.37m² instead of the required 360m². This lot is an existing non-conforming situation and as the proposed structure is similar in size to the one that exists presently, the variance can be supported.

4) It is noted that By-law 81-305 required the provision of two off-site parking spaces. This parking requirement will be retained.

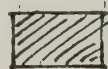
5) Under the "HH" District provisions, the lands are subject to Site Plan Control By-Laws 79-275 and 87-223. Matters such as road widening, parking, access, etc. will be further reviewed at the site plan approval stage of development.

CONCLUSION:

Based on the foregoing, the application can be supported.



LEGEND.



SITE OF THE APPLICATION.

PENDING A 13

2489-52

19.

FOR ACTION

REPORT TO:

SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT
COMMITTEE

DATE: October 3, 1989

COMM FILE:

DEPT FILE: ZA-89-59
Landsdale
Neighbourhood

FROM:

J.D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

SUBJECT:

Request for a modification in zoning - No. 140 Oak Avenue.

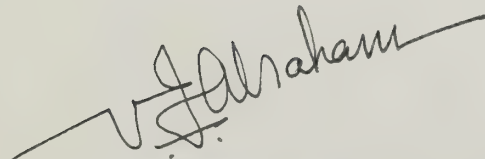
RECOMMENDATIONS:

1. That approval be given to Zoning Application 89-59, Munro Metal Products Ltd., prospective owner requesting a modification to the "H" (Community Shopping and Commercial, etc.) District regulations, to permit the production of ductwork and fittings into the existing building, for the property located at No. 140 Oak Avenue, as shown on the attached map marked as APPENDIX "A", on the following basis:
 - i) That the "H" (Community and Shopping, etc.) District regulations as contained in Section 14 of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following variance as a special requirements:
 - a) That notwithstanding Section 14(1), sheet metal duct and fittings manufacturing shall be permitted;
 - ii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and that the subject lands on Zoning District Map E-12 be notated S- ;
 - iii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-12 for presentation to City Council;
 - iv) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.
2. That the amending By-law not be passed by City Council until such time as the applicant enters into an encroachment agreement with the City for the existing building.

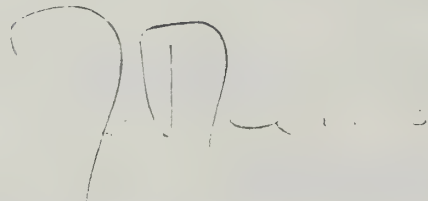
EXPLANATORY NOTE:

The purpose of this by-law is to provide for a modification to the "H" (Community Shopping and Commercial, etc.) District, for the property located at No. 140 Oak Avenue, as shown on the attached map marked as APPENDIX "A".

The effect of this by-law is to permit the relocation of the production facilities of the metal duct and fittings manufacturer from its present location at No. 154 Oak Avenue to No. 140 Oak Avenue.



V.J. Abraham, M.C.I.P.
Director of Local Planning



J.D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

FINANCIAL IMPLICATIONS:

N/A

BACKGROUND:

It is the applicant's intention to relocate the production facilities of the duct and fittings manufacturing from No. 154 to No. 140 Oak Avenue. The subject building would be expanded from 9,380 sq. ft. to 11,940 sq. ft. (2560 sq.ft.). As well, the two buildings would be joined to facilitate the movement of employees and products.

The applicant does not plan to increase the labour force or the customer base.

The production facility currently located at No. 140 Oak Avenue is a 'legal non-conforming' use. Once the production facilities have moved, it would be used for warehousing and wholesaling purposes.

APPLICANT:

Munro Metal Products Ltd., prospective owner.

LOT SIZE AND AREA:

- o 48.46 m (159 ft) of lot frontage on Oak Avenue;
- o 45.14 m (149 ft.) of lot depth; and,
- o 2,200.9 m² (23,691 sq. ft.) of lot area.

LAND USE AND ZONING:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	brake and clutch repair shop	"H" (Community Shopping and Commercial, etc.) District
<u>Surrounding Lands</u>		
to the north	duct and fittings manufacturers, parking lot	"D" (Urban Protected Residential - One and Family Dwellings, Townhouses, etc.) District "G-3" (Public Parking Lot) District
to the south	mixed residential/ commercial building	"H" (Community Shopping and Commercial, etc.) District
to the east	vacant building multiple dwelling	"D" (Urban Protected Residential - One and Two Family Dwellings, Townhouses, etc.) District
to the west	light industrial use repair garage	"H" (Community Shopping and Commercial, etc.) District

OFFICIAL PLAN:

The subject lands are designated COMMERCIAL on Schedule "A" - Land Use Concept. The following policy applies:

"A.2.1.1 The primary uses permitted in the areas exceeding .4 hectare designated on Schedule "A" as COMMERCIAL will be for Commerce. In this regard, Commerce is defined as establishments involved in the buying and selling of goods and services; business offices; and hotels, convention and entertainment facilities."

The proposed light industrial use is not a permitted use within the COMMERCIAL designation.

However, since the proposal is to re-locate the production facilities of the existing light industrial use from No. 154 to No. 140 Oak Avenue and then join them together, the following policy from Subsection A.3.3 - Non-Complying Uses will apply:

"A.3.3.2 In certain instances, Council may deem it to be desirable to permit the extension beyond the boundaries of the site, or redevelopment, of a NON-COMPLYING USE to avoid unnecessary hardship. Such proposed extension or enlargement will be dealt with in the following manner:

- iii) Council, before passing such a By-law, will be satisfied that the following requirements are, or will be, fulfilled to ensure the protection of the wider interests of the general public:
 - a) That the proposed extension or enlargement of the established NON-COMPLYING USE will not unduly aggravate the situation created by the existence of the uses, especially in regard to the land use designation of this Plan and the requirements of the Zoning By-law applying to the area;
 - b) That the proposed extension or enlargement will be in an appropriate proportion to the size of the NON-COMPLYING USE established prior to the passing of the original Zoning By-law;
 - c) That an application which would affect the boundary between areas of different land use designations in this Plan, will, only be processed under these policies, if it can be considered as a minor adjustment. Major intrusions will require an amendment to this Plan;
 - d) The characteristics of the existing NON-COMPLYING USE and the proposed extension or enlargement will smoke, dust, odours, lighting and traffic generation. No amendment to the By-law will be made if one or more of such nuisance factors will be created or increased so as to add essentially to the incompatibility of the use with the surrounding area.

- e) That the neighbouring complying uses will be protected, where necessary, by the provision of areas for landscaping, buffering or screening; appropriate setbacks for buildings and structures; devices and measures to reduce nuisances; and, where necessary, by regulations for alleviating adverse effects caused by outside storage, lighting, advertising, signs, etc.;
- f) Such provisions and regulations will be applied to the proposed extension or enlargement and, wherever feasible, be also extended to the established use in order to improve its compatibility with the neighbourhood;
- g) That traffic and parking conditions in the vicinity will not be adversely affected by the application and traffic hazards will be kept to a minimum by appropriate design of access and egress points to and from the site, and improvement of sight conditions, especially in proximity to intersections;
- h) That adequate provisions have been, or will be, made for off-street parking and loading facilities; and,
- i) That municipal services such as water, sanitary and storm sewers, roads, etc. are adequate, or can be made adequate.

"A.3.3.4

Notwithstanding Policies 3.3.1 and 3.3.2 above, and Subsection D.3, where an existing use of land does not comply with the land use designations shown on Schedule "A" or their related policies, Council may recognize this use or other NON-COMPLYING USE in the Zoning By-law, provided that:

- i) it does not aggravate any situation detrimental to adjacent complying uses;
- ii) it does not constitute a danger to surrounding uses and persons by virtue of a hazardous nature, the traffic generated, or other nuisance; and
- iii) it does not interfere with desirable development in adjacent areas that are in conformity with this Plan."

The proposal complies with the intent of the Official Plan.

NEIGHBOURHOOD PLAN:

The subject lands are designated "Commercial" in the approved Landsdale Neighbourhood Plan. The long term intended land use is for commercial purposes and the existing light manufacturing has a non-conforming status, it is not appropriate to redesignate the subject lands.

In this regard, the use does not conflict with the intent of the approved Landsdale Neighbourhood Plan.

RESULTS OF CIRCULARIZATION:

- o The following Departments and agencies have no comments or objections:

- LACAC;
- Traffic;
- Regional Police;
- Hamilton Region Conservation Authority; and,
- Ministry of the Environment.

- o The Hamilton-Wentworth Engineering Department has advised that:

"Please be advised that public watermains and combined sewers are available to service the subject land.

The existing road allowance width of Oak Avenue is 18.29 m (60 feet). Therefore, we do not anticipate any further road widenings at this time.

The existing building stoop and steps, at 140 Oak Avenue encroach into the road allowance. As a condition of approval, we recommend that the applicant enter into an encroachment agreement with the City of Hamilton.

Any work within the road allowance must conform to the City of Hamilton Streets By-law.

Care should be taken to ensure adequate motorist visibility entering Oak Avenue.

Concerning the status of the alleyway to the south, it is a private alley."

- o The Building Department has advised that:

- "1. The present parking and loading by-law requirements will have to be met for the existing building.
2. The use is not permitted in the "H" zone."

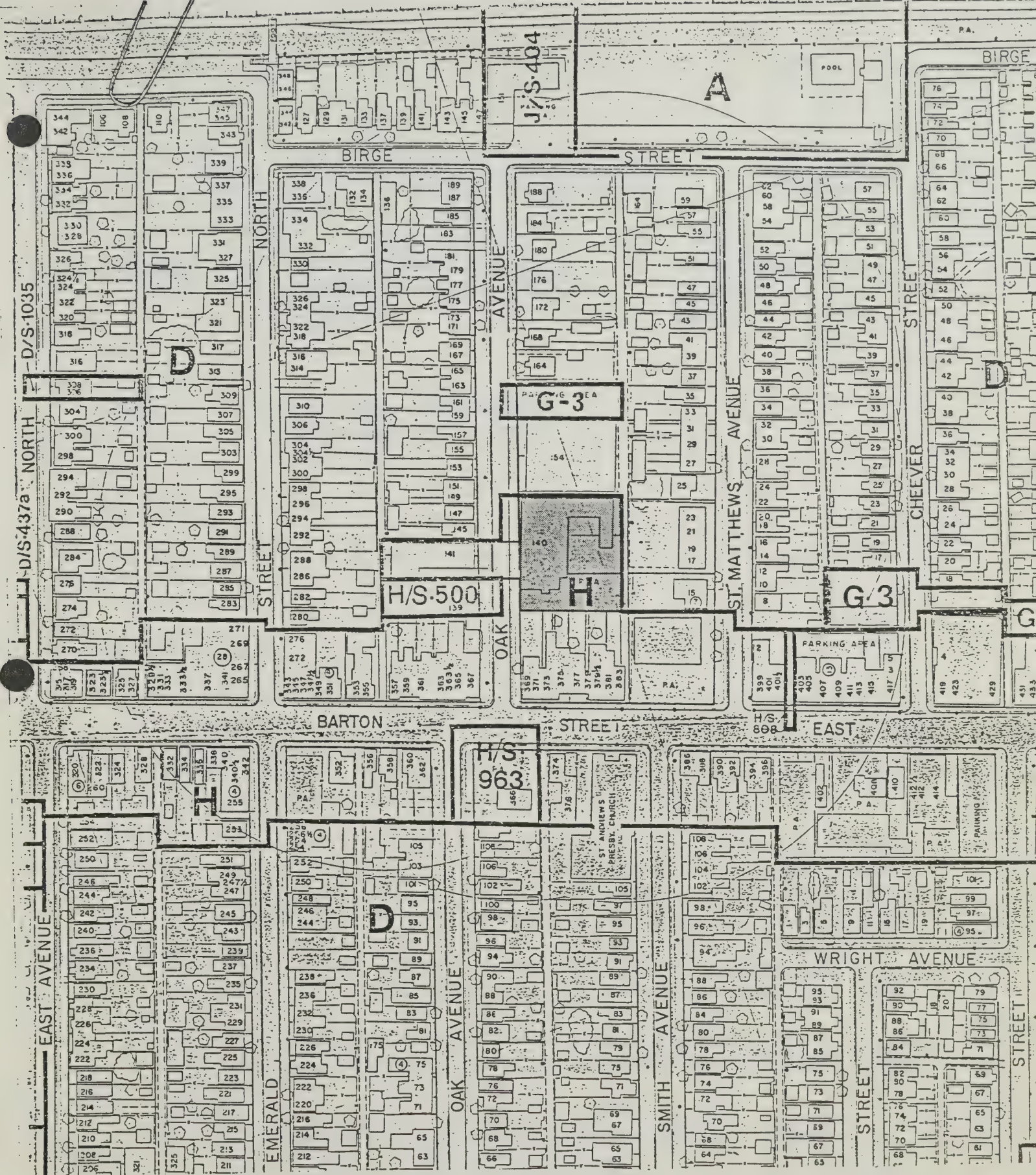
COMMENTS:

- 1) The proposal complies with the intent of the Official Plan.
- 2) Since the long term intended land use is for commercial purposes, an amendment to the approved Landsdale Neighbourhood Plan is not required.
- 3) The proposal merits consideration for the following reasons:
 - a) the proposed extension or enlargement will not create noise, fumes, vibrations etc.. The use has been in existence for many years with no apparent ill-effects on the adjacent uses. Furthermore, a visit to the site revealed that the existing operation is clean and quiet; and the Ministry of the Environment has no objection;
 - b) the traffic and parking conditions in the vicinity will not be adversely affected. The applicant has indicated that there will be no expansion of the workforce or customer base; thus, the operation will not increase the traffic volumes;
 - c) adequate provision of off-street parking and loading. There is ample parking (20-25 spaces) on the adjacent lot behind No. 154 Oak Avenue to accommodate existing parking needs (staff, customers); and,
 - d) it is an expansion of a legal nonconforming use which will not aggravate the existing situation; and,
 - e) it complies with the intent of the Official Plan; specifically, Policy A.3.3.2 iii).
- 4) The Engineering Department has advised that the steps and stoop from the existing building encroach into the Oak Avenue road allowance, and, therefore, the applicant must enter into an encroachment agreement with the City. Since the proposal is not subject to site plan control ("H" District is exempt), it would be appropriate to hold the amending by-law in abeyance until the applicant has entered into the encroachment agreement.

CONCLUSION:

Based on the foregoing, the proposal can be supported.

JH-E/ma
WPZA8959



Legend



Site of the Application



FOR ACTION

20.

REPORT TO:

SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT
COMMITTEE

DATE: October 3, 1989

COMM FILE

DEPT FILE: ZA-89-62

Central

Neighbourhood

FROM:

J.D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

SUBJECT

Request for a modification to the existing zoning - Nos. 43, 45 and 47 Caroline Street North and No. 57 Napier Street.

RECOMMENDATION

1. That approval be given to Zoning Application 89-62, 819814 Ontario Inc., owner, requesting a modification to the existing "E-3" (High Density Multiple Dwellings) District, to permit the temporary use of the existing lands as a parking lot for a three year period, for property located at Nos. 43, 45 and 47 Caroline Street North and No. 57 Napier Street, as shown on the attached map marked as APPENDIX "A", on the following basis:
 - i) That the "E-3" (High Density Multiple Dwellings) District regulations, as contained in Section 11C of Zoning By-law No. 6593, applicable to the subject lands, be further modified in accordance with Section 38 of The Planning Act, R.S.O. 1983, to permit the temporary use of the lands as a parking lot for a maximum period of three years;
 - ii) That a minimum 1.5 m (4.9 feet) wide planting strip shall be provided and maintained along all lot lines, except for any area used for an access driveway;
 - iii) That a visual barrier of not less than 1.2 m (3.94 feet) and not more than 2.0 m (6.56 feet) in height shall be provided and maintained along the westerly and southerly lot lines;
 - iv) That the provisions of Section 18A(30) of Zoning By-law No. 6593 shall apply;
 - v) That the provisions of Section 18A(24)(b) of Zoning By-law No. 6593 shall apply;
 - vi) That the provisions of Section 18A(26) of Zoning By-law No. 6593 shall apply;

- vii) That the provisions of Section 13C(1) of Zoning By-law No. 6593 shall apply;
 - viii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and that the subject lands on Zoning District Map W-4 be notated S- ;
 - ix) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-4 for presentation to City Council; and,
 - x) That the requested change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.
2. That the amending By-law not be forwarded for passage by City Council until such time as a site plan has been approved by the Planning and Development Committee.

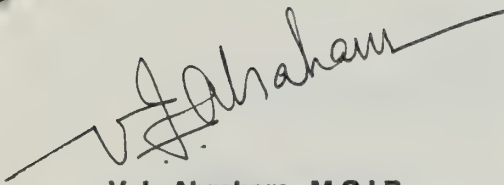
EXPLANATORY NOTE

The purpose of the proposed By-law is to provide for a modification to the "E-3" (High Density Multiple Dwellings) District regulations for properties located at Nos. 43, 45, and 47 Caroline Street and No. 57 Napier Street, as shown on the attached map.

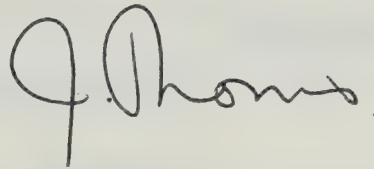
The effect of the By-law is to permit the temporary use of the lands as a parking lot for a three year period.

In addition, the By-law provides for:

- o A minimum 1.5 m (4.9 feet) wide planting strip along all lot lines, except for any area used for an access driveway;
- o A visual barrier of not less than 1.2 m (3.94 feet) and not more than 2.0 m (6.56 feet) in height along the westerly and southerly lot lines;
- o Grading, drainage, and paving of the lands;
- o The parking lot to be properly marked in terms of parking spots and to have bumpers;
- o The access/egress driveways shall be a minimum of 3.0 m (9.85 feet) from the adjoining residential properties; and,
- o An attendant's shelter and a directional sign.



V.J. Abraham, M.C.I.P.
Director of Local Planning



J.D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

FINANCIAL IMPLICATIONS

N/A

BACKGROUND

o Proposal

It is the applicant's intention to maintain the existing use of the property as a parking lot for a three year period in accordance with Section 38 of The Planning Act, R.S.O. 1983.

o Order to Comply

On April 25, 1989, an Order to Comply was issued by the Building Department for the subject property. The order stated that the current use, parking of motor vehicles, is in contravention of Section 11C(1) of Zoning By-law No. 6593. The requirement to comply was to cease use of the property for any use not in compliance with the City of Hamilton Zoning By-law No. 6593.

APPLICANT

819814 Ontario Inc., owner.

LOT SIZE AND AREA

The property is square shaped having:

- o 42.6 m (140 feet) of lot frontage on Caroline Street;**
- o 42.6 m (140 feet) of lot frontage on Napier Street; and,**
- o 1820.9 m² (19,600 square feet) of lot area.**

LAND USE AND ZONING

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	parking lot	"E-3" (High Density Multiple Dwellings) District
<u>Surrounding Lands</u>		
to the north	Association for the Mentally Retarded	"H" (Community Shopping and Commercial) District
to the south	single-family residential and multiple residential	"E-3" (High Density Multiple Dwellings) District
to the east	postal station	"CR-3" (Commercial-Residential) District
to the west	single-family residential	"E-3" (High Density Multiple Dwellings) District

OFFICIAL PLAN

Designated "CENTRAL POLICY AREA", the following policy among others, is applicable:

- "A.3.3.9 In accordance with The Planning Act, and Sub-section D.3 of this plan, those lands that are vacant and which may be advantageously utilized to relieve PARKING difficulties in the City may be authorized by Council to be used as "temporary" PARKING LOTS, subject to the following:
- i) Temporary PARKING areas will not unduly impede pedestrian movement, or the use of Residential, Open Space or other public lands;
 - ii) Temporary PARKING areas will be sited and designed to reflect the best interests of the local area;
 - iii) The use of vacant lands for temporary PARKING will not exceed three (3) years; and,

- iv) Notwithstanding the above, Council may extend approval for temporary PARKING for additional periods as provided for in clause iii) above, upon termination of the approval period where specific application to Council for such extended approval is made."

Based on the above noted policies, the proposal complies with the intent of the Official Plan.

NEIGHBOURHOOD PLAN

Designated "HIGH DENSITY APARTMENTS" on the approved Central Neighbourhood Plan, the proposal does not conflict with the intent of the Neighbourhood Plan.

COMMENTS RECEIVED

- o The Local Architectural Conservation Advisory Committee Staff, the Hamilton Region Conservation Authority, and the Hamilton-Wentworth Regional Police Department have no comment or objection.

- o The Traffic Department has advised that the application is "satisfactory."

- o The Building Department has advised that:

"A public parking lot normally has a building to shelter the attendant in charge and also signs. Therefore, restriction to size and location shall be considered.

The adjacent lands are residential districts. Therefore, a landscaped area with a planting strip and a visual barrier are normally provided along and adjacent to the residential districts."

- o GO Transit has advised that:

"We have reviewed the subject zoning application and found that it does not appear to conflict with our existing services or our current expansion plans."

- o The Hamilton-Wentworth Engineering Department has advised that:

"Be advised that watermain and sanitary and storm sewers are available to service the subject lands. Separate storm and sanitary sewers are available on Napier Street.

The designated road allowance width of Caroline Street is 20.12 m (66 feet). A future 3.0 m (9.84 feet) road widening is anticipated. Since this application deals with a temporary three year rezoning for parking purposes, the applicant should be advised of this future 3.0 m (9.84 feet) road widening to be required at such time as these lands are developed.

Any work within the Caroline Street and Napier Street road allowance must conform to the City of Hamilton's Streets By-law.

The grades of the driveways within the road allowance should not exceed 3 % and any landscaping, fencing etc. adjacent to the accesses should not impede motorists visibility."

COMMENTS

1. The proposal complies with the intent of the Official Plan.
2. The proposal does not conflict with the intent of the approved Central Neighbourhood Plan.
3. Section D.3.8 of the Official Plan allows Council to permit the use of land on a temporary basis for a maximum of three years if the proposal complies with the intent of the Official Plan. This section of the Official Plan implements Section 38 of The Planning Act, R.S.O., 1983. Therefore, the proposal implements the intent of the Official Plan and Section 38 of The Planning Act.
4. On the basis of the foregoing, it would be appropriate to permit the temporary use of the property as a parking lot for the following reasons:
 - a) The properties are currently being used as a parking lot;
 - b) The use of the properties as a parking lot will serve the parking needs of the adjacent commercial properties, to the north and east, as well as the central core of Hamilton; and,
 - c) Use of the lands on a temporary basis would not prejudice the intent of the neighbourhood plan as the use could be terminated at the end of the three year period set out in the amending by-law.
5. In order to mitigate any impact the proposal may have on the adjoining residences, the following variances have been identified as special requirements:
 - o Adjoining Residential Properties

The current parking lot on the subject properties adjoins residential properties to the west and south. In order to adequately buffer and screen the proposal from the existing residential uses, a minimum 1.5 m (4.9 feet) wide planting strip should be provided and

maintained along the westerly and southerly lot lines. Within this planting strip a visual barrier of not less than 1.2 m (3.94 feet) and not more than 2.0 m (6.56 feet) in height should also be provided and maintained.

o Adjoining Streets

Both Caroline and Napier Streets are within residential neighbourhoods. To adequately mitigate any effects the proposed parking lot may have, a 1.5 m (6.0 feet) wide planting strip should be provided and maintained along the northerly and easterly lot lines, except for any area used as an access driveway.

o Paving

The current parking lot is unpaved. The requirements of Section 18A(30) of By-law No. 6593 regarding grading, drainage, and paving should apply to the subject properties in order to improve the visual aesthetic of the parking lot within the neighbourhood, and provide a smooth surface for vehicular use.

In order to provide properly marked parking spots, the provisions of Section 18A(24)(b), regarding access width, markings, and bumpers, should also apply.

o Access

The subject properties adjoin residential uses to the west and south. In order to mitigate any adverse effect to the adjoining properties, Section 18A(26) of By-law No. 6593, requiring a 3.0 m (9.85 feet) separation of the access/egress driveways from the adjoining residential properties, should apply.

o Uses

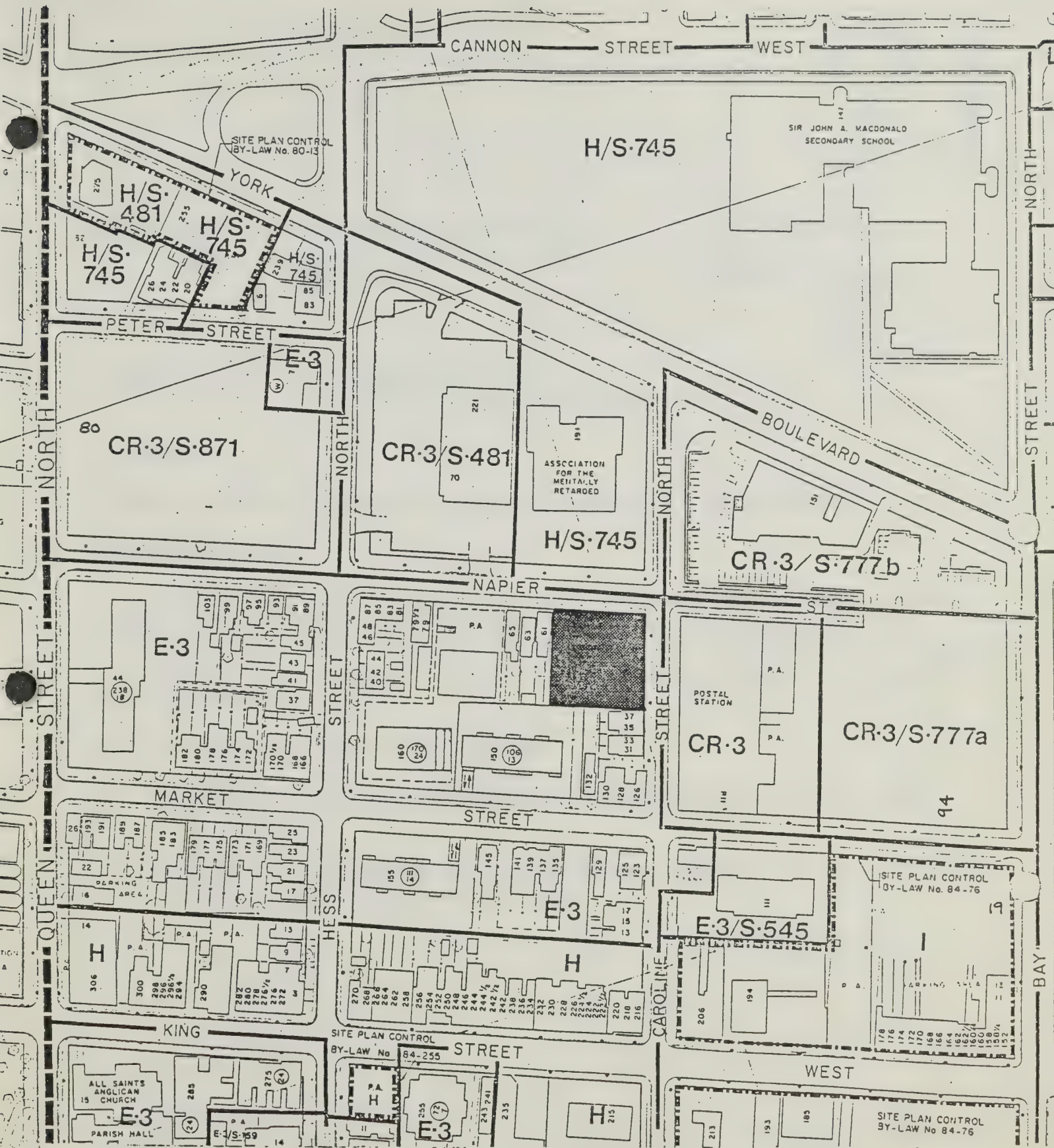
Section 13C(1) of Zoning By-law No. 6593 permits the parking of not more than six taxicabs and the parking of ordinary passenger automobiles, a building to be used as an attendant's shelter, and a directional sign. The provisions of this section should apply to this proposal in order to permit an attendant's shelter and the directional sign.

6. The requested "E-3" (High Density Multiple Dwellings) District would be subject to Site Plan Control By-law 79-275 as amended by By-law 87-223. In order to ensure that the special requirements (planting strips, paving, marking and access) are provided and maintained to the satisfaction of the City, it is suggested that the amending By-law not be forwarded for passage by City Council until such time as a site plan has been approved by the Planning and Development Committee.

CONCLUSION

Based on the foregoing, the application can be supported.

MLT/ma
WPZA8962



LEGEND



SITE OF THE APPLICATION



APPENDIX A

FOR ACTION

21.

REPORT TO:

SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT
COMMITTEE

DATE: October 3, 1989

COMM FILE

DEPT FILE: ZA-89-64
Westdale
South
Neighbourhood

FROM:

J.D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

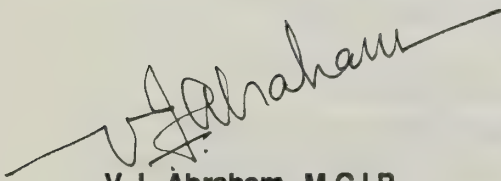
SUBJECT

Request for a change in zoning - part of the property located at No. 6 Olmstead Street.

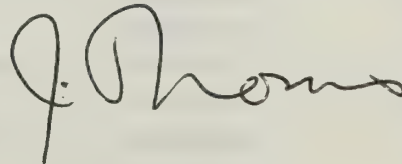
RECOMMENDATION

That Zoning Application 89-64, J. Mouskos and I. Ablaka, prospective owners, for a change in zoning from "C" (Urban Protected Residential, etc.) District to "E" (Multiple Dwellings, Lodges, Clubs, etc.) District to construct an eight storey condominium having 40 to 50 units, for part of the property located at No. 6 Olmstead Street, as shown on the attached key map marked as APPENDIX "A", be **DENIED** for the following reasons:

- i) it conflicts with the intent of the Official Plan;
- ii) the height and density are incompatible with the established character of the surrounding neighbourhood; and,
- iii) it represents an undesirable extension of the "E" (Multiple Dwellings, Lodges, Clubs etc.) District into the "C" (Urban Protected Residential) District.



V.J. Abraham, M.C.I.P.
Director of Local Planning



J.D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

FINANCIAL IMPLICATIONS

N/A

BACKGROUND

It is the applicant's intention to develop the subject land in conjunction with the adjacent land to the east for an eight (8) storey condominium apartment building having approximately 40 to 50 units.

APPLICANT

J. Mouskos and I. Ablaka, prospective owners.

LOT SIZE AND AREA

The subject property is rectangular in shape having:

- o 68.53 m (224.85 feet) of lot frontage on Olmstead Street;
- o 30.48 m (100.00 feet) of lot depth; and,
- o 2,088.79 m² (22,485 square feet) of lot area.

LAND USE AND ZONING

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	vacant	"C" (Urban Protected Residential, etc.) District
<u>Surrounding Lands</u>		
to the north	single-family residences	"C" (Urban Protected Residential, etc.) District
to the south	vacant and bingo hall	"C" (Urban Protected Residential, etc.) District and "H" (Community Shopping and Commercial, etc.) District
to the west	single-family residences	"C" (Urban Protected Residential, etc.) District

to the east light industrial

"E" (Multiple Dwellings, Lodges, Clubs,
etc.) District

OFFICIAL PLAN

Designated "RESIDENTIAL", the following policies are applicable:

"A.2.1.14 In evaluating the merits of any proposal for multiple-family RESIDENTIAL development, Council will be satisfied that the following considerations are met:

- i) The height, bulk and arrangement of buildings and structures will achieve harmonious design and integrate with the surrounding areas; and,
- ii) Appropriate open space, including landscaping and buffering, will be provided to maximize the privacy of residents and minimize the impact on adjacent lower-density uses.

C.7.2 Varieties of RESIDENTIAL types will not be mixed indiscriminately but will be arranged in a gradation so that higher-density developments will complement those of a lower density, with sufficient spacing to maintain privacy, amenity and value."

Based on the foregoing, the application conflicts with the intent of the Official Plan.

NEIGHBOURHOOD PLAN

There is no neighbourhood plan for the Westdale South Neighbourhood.

COMMENTS RECEIVED

- o The Hamilton Region Conservation Authority, the Local Architectural Conservation Authority Committee Staff, the Hamilton-Wentworth Regional Police Department, and the Building Department have no comment or objection.
- o The Traffic Department has advised that the application is "satisfactory."
- o The Hamilton-Wentworth Engineering Department has advised that:

"Please be advised there are public watermains available to service the proposed development. However, neither storm or sanitary sewers are available on this section of Olmstead Street at this time.

According to our records, Olmstead Drive is an established 20.12 m (66 feet) road allowance width but Olmstead Street does not continue from Paradise Road to Macklin Street due to the severe property grades. The lands to be rezoned have frontage on that section of road which is not open and the applicant should be advised at this time that access to Olmstead Street will be restricted to the easterly 30 m of the subject lands. The details of this will be resolved at the Site Plan stage.

Any work within the Olmstead Street road allowance must conform to the City of Hamilton's Streets By-law."

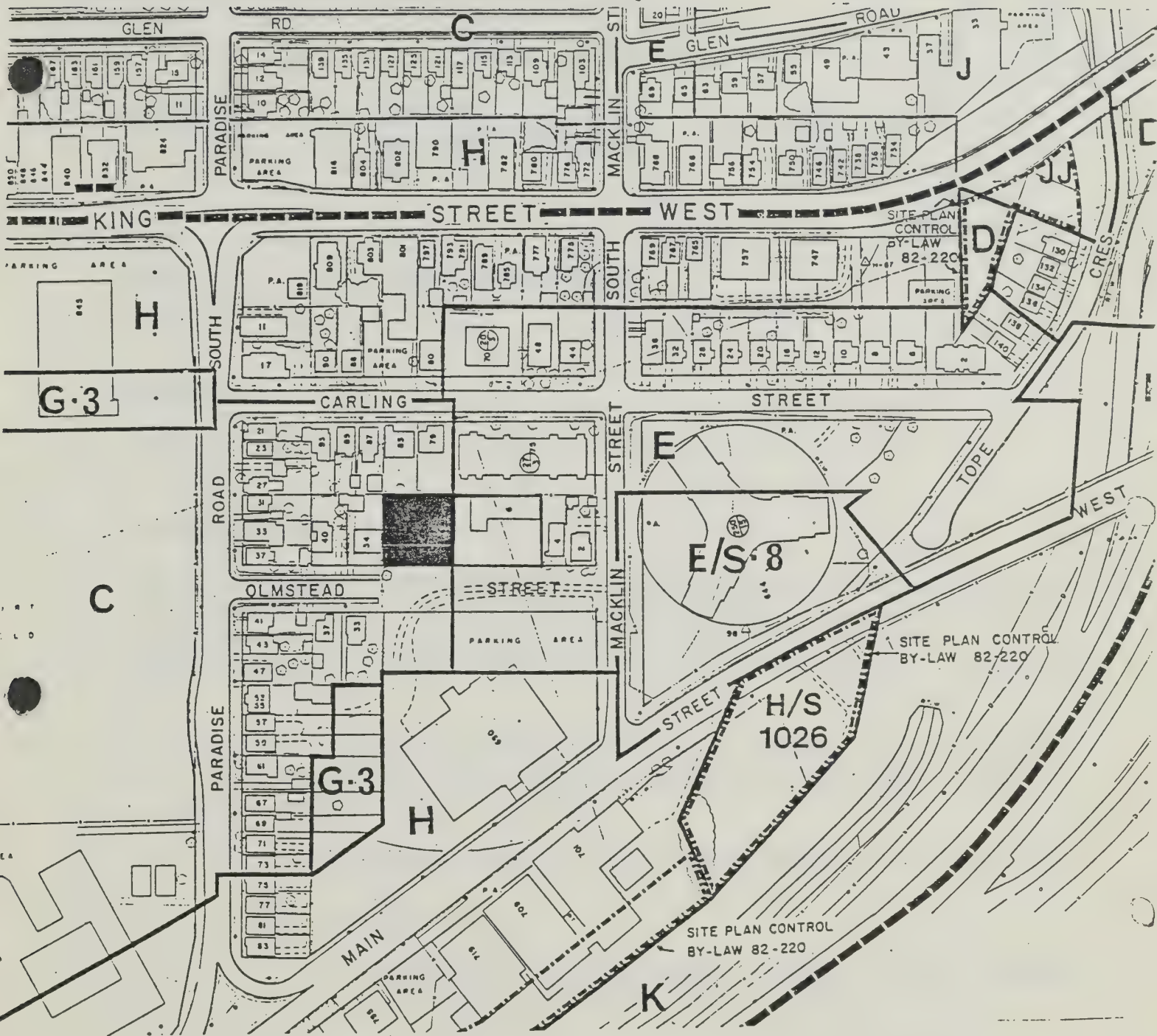
COMMENTS

1. The proposal conflicts with the intent of the Official Plan.
2. The proposal cannot be supported for the following reasons:
 - i) it conflicts with the intent of the Official Plan. In particular, Official Plan policies A.2.1.14 and C.7.2 state that multiple-family residential development will be constructed in such a manner as to achieve a harmonious residential environment. An eight storey condominium building would intrude within the neighbourhood;
 - ii) the height and density are incompatible with the established character of the surrounding neighbourhood; and,
 - iii) the proposal represents an undesirable extension of the "E" (Multiple Dwellings, Lodges, Clubs etc.) District into the "C" (Urban Protected Residential) District.

CONCLUSION

Based on the foregoing, the application cannot be supported.

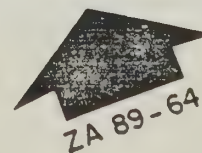
MLT/ma
WPZA8964



Legend



Site of the Application



APPENDIX A

FOR ACTION

22.

REPORT TO:

SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT
COMMITTEE

DATE: October 3, 1989

COMM FILE:

DEPT FILE: ZA-89-69

Corktown

Neighbourhood

FROM:

J.D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

SUBJECT:

Request for a further modification to the zoning - No. 167 Hunter Street East.

RECOMMENDATION:

That approval be given to Zoning Application 89-69, Center Gate Properties Ltd., owner requesting a further modification to the "E-3" (High Density Multiple Dwellings) District, to permit professional offices (excluding medical offices) within the existing building, for the property located at No. 167 Hunter Street East, as shown on the attached map marked as APPENDIX "A", on the following basis:

- i) That the "E-3" (High Density Multiple Dwellings) District regulations, as contained in Section 11C of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following variance as a special requirement:
 - a) That notwithstanding Section 11C(1), the following additional uses shall be permitted:
 - 1) Commercial Use:

A professional person's office, excluding a medical office, within the existing one-storey building located at No. 167 Hunter Street East.
 - 2) Accessory Use:

One ground sign, wall sign, or projecting sign having an area of not more than 0.4 m², non-illuminated or illuminated by non-flashing indirect or interior means only, located at least 1.5m from the nearest street line in connection with the commercial use.
- ii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1078a, and that the subject lands on Zoning District Map E-5 be notated S-1078a;

- iii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-5 for presentation to City Council;
- iv) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

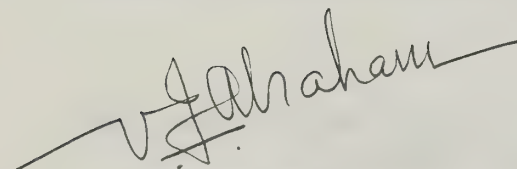
EXPLANATORY NOTE

The purpose of this by-law is to provide for a further modification to the "E-3" (High Density Multiple Dwellings) District for the property located at No. 167 Hunter Street East, as shown on the attached map marked as APPENDIX "A".

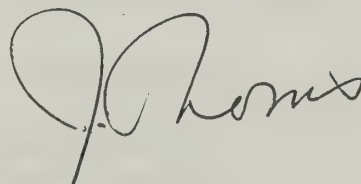
The effect of this by-law is to permit a professional office, excluding medical office, within the existing one-storey building.

In addition, a wall, ground or projecting sign will be permitted, provided that:

- o the area does not exceed 0.4 m² (4.92 ft.) in area;
- o it is either non-illuminated or illuminated by non-flashing, indirect or interior means only; and,
- o it is located at least 1.5m from the nearest street line.



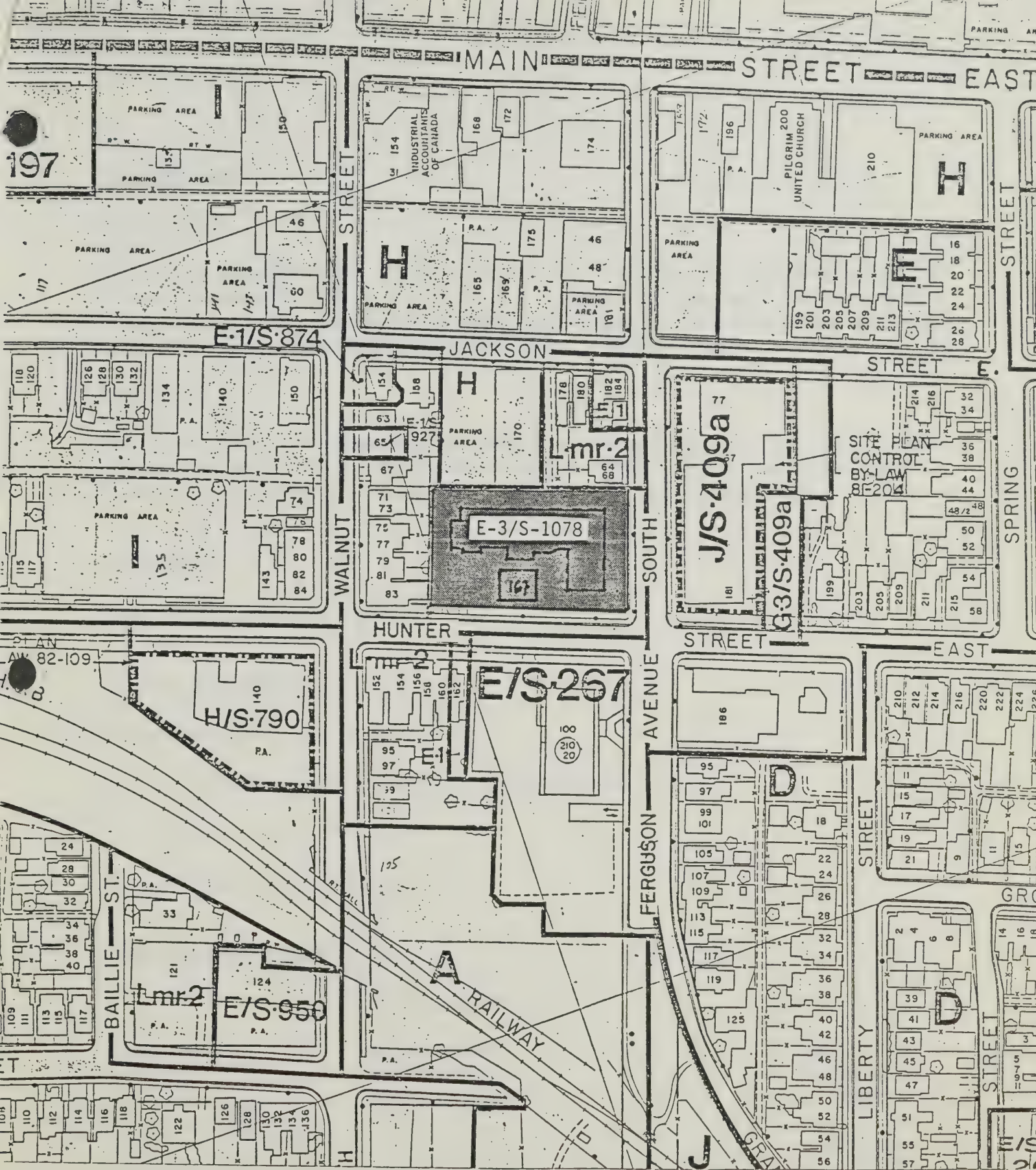
V.J. Abraham, M.C.I.P.
Director of Local Planning



J.D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

FINANCIAL IMPLICATIONS:

N/A.



BACKGROUND:**By-law 88-192**

In 1988, the properties located at Nos. 159-179 Hunter Street East were rezoned from "L-mr-2" (Planned Development) District to "E-3" (High Density Multiple Dwellings) District, modified to permit the construction of a six-storey, 76 unit, multiple dwelling. In addition, the building located at No. 167 Hunter Street East was to be retained for possible use as a caretaker's cottage.

Proposal

The existing building is a one-storey stone structure approximately 69.68 m² (750 sq. ft.) in area which is listed by LACAC as a building of historical and architectural significance. The applicant wishes to use the building as a professional person's office (excluding medical offices).

APPLICANT:

Center Gate Properties Ltd., owner.

LOT SIZE AND AREA:

The building is part of a larger site which has:

- o 69.96 m (229.49 ft.) of lot frontage on Hunter Street East;
- o 42.995 m (141.06 ft.) of lot depth;
- o 3,007.5 m² (32,373.5 sq.ft.) of lot area.

LAND USE AND ZONING:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	six-storey multiple dwelling, vacant one-storey building	"E-3" (High Density Multiple Dwelling) District, modified

Surrounding Lands

to the north	offices, residential	"H" (Community Shopping and Commercial, etc.) District
		"L-mr-2" (Planned Development) District
to the south	20-storey multiple dwelling	"E" (Multiple Dwellings, Lodges, Clubs, etc.) District
to the east	industrial building	"J" (Light and Limited Heavy Industry, etc.) District, modified
to the west	townhouses, mixed commercial/residential	"L-mr-2" (Planned Development) District

OFFICIAL PLAN:

The subject lands are designated CENTRAL POLICY AREA on Schedule "A" - Land Use Concept. The permitted uses include commercial, residential, institutional, etc. The proposal complies with the intent of the Plan.

CENTRAL AREA PLAN:

The subject lands are designated "Neighbourhood Residential" in the Cental Area Plan. The proposed office use is considered as ancillary to the multiple dwelling use; therefore, it does not conflict with the intent of the Central Area Plan.

NEIGHBOURHOOD PLAN:

The subject lands are designated "Medium Density Apartments" in the approved Corktown Neighbourhood Plan. Since this use is ancillary to the principle use (multiple dwelling), an amendment is not required.

RESULTS OF CIRCULARIZATION:

- o The following Departments and agencies have no comments or objections:

- Regional Police;
- Hamilton Region Conservation Authority;
- Traffic;
- GO Transit; and
- Hamilton-Wentworth Engineering Department.

- o LACAC has advised that:

"We (LACAC staff) have no objections to the conversion of the existing house to professional offices provided that:

- original architectural features are retained and no major alterations or additions are made to the house in order to accommodate the proposed use.
- any business signs mounted on or in front of the house are in keeping with the scale and architectural character of the mid-19th century stone house.
- no major changes are made to the approved landscaping plan".

- o The Building Department has advised that:

"An accessory use of a business identification sign with requirements for type location and size of sign shall be considered in this application."

COMMENTS:

- 1) The proposal complies with the intent of the Official Plan.
- 2) The proposal does not conflict with the intent of either the Central Area Plan or the approved Neighbourhood Plan.
- 3) The proposal merits consideration for the following reason:
 - a) it would be an appropriate adaptive re-use of a building of historic and architectural significance;

- b) it would be compatible with the mixed use character of the area including industrial to the east and commercial to the west and north;
 - c) it is ideally situated in close proximity to the downtown core; and,
 - d) it is located on a major arterial road (Hunter Street East).
- 4) Since this is an existing building and the entire complex (Nos. 159-179 Hunter Street East) received site plan approval in September 1988, no additional site plan is required provided there are no alterations to the approved plans.

CONCLUSION:

Based on the foregoing, the proposal can be supported.

JH-E/ma
WPZA8969

CA40NHBLA05
C51P4

Urban Municipal Librarian/
Central Library

E. A. SIMPSON
CITY CLERK

K. E. AVERY
DEPUTY CITY CLERK



CITY HALL
HAMILTON, ONTARIO
L8N 3T4

THE CORPORATION OF THE CITY OF HAMILTON

OFFICE OF THE CITY CLERK

1989 October 24th

URBAN MUNICIPAL
OCT 5 - 1989
GOVERNMENT DOCUMENTS

Mr. E. W. Kowalski, Director of Community Development
Mr. S. Ghanem, Director of Economic Development
Mr. G. S. Spencer, Engineering Commissioner
Attention: Mr. K. Brenner
Mr. M. Main, Director of Traffic Services
Mr. R. Karl, Traffic Department
Ms. Diana Pasko, Planning Department
Mr. E.G. Beres, Regional Assessment Commissioner
Urban Municipal Librarian, Central Library

Attached herewith are the minutes of the Planning and Development Committee meetings held 1:30 o'clock p.m., Wednesday, 1989 September 13; 7:00 o'clock p.m., Wednesday, 1989 September 13; and 6:00 o'clock p.m., Tuesday, 1989 September 26.

These minutes were approved by the Committee at its meeting held Wednesday, 1989 October 11th.

Yours very truly,

Mrs. Susan K. Reeder, Secretary
Planning and Development Committee

SKR:dbm
Attch.
c.c. ' -

- Manager, C.M.H.C.
- Hamilton & District Chamber of Commerce
- Attention: Kathy Drewitt
- Mr. V. Mauceri, Manager, Research Dept., H.S.R.
- Mr. Paul E. Shewfelt, Board of Education
- Mr. T. Cupido, Superintendent of Plant, Hamilton Separate School Board
- Mr. M. D. Crowley, Southam Communications Ltd.
- Mr. D. Miller, Canada Life, London, Ontario
- Mr. P. Hill, Durand Neighbourhood, c/o Ruth Morrison
- Mr. Rob Hager, Research Statistician, Oshawa Foods

Wednesday, 1989 September 13
1:30 o'clock p.m.
Room 233, City Hall

The Planning and Development Committee met.

There were present: Alderman J. Smith, Chairman
Alderman F. Lombardo, Vice-Chairman
Mayor Robert M. Morrow
Alderman M. Kiss
Alderman W. McCulloch
Alderman D. Christopherson
Alderman B. Hinkley
Alderman H. Merling
Alderman D. Ross

Also present: Alderman D. Drury
Alderman G. Copps
Alderman T. Jackson
Mr. V. Abraham, Director of Local Planning
Mr. D. Pickard, Building Department
Mr. P. Lampman, Deputy Building Commissioner
Mr. B. Allick, Building Department
Mr. M. Watson, Real Estate Division
Mr. R. Karl, Traffic Department
Mr. K. Brenner, Regional Engineering Department
Ms. L. Lawrence, City Solicitor's Office
Mr. J. Sakala, Planning Department
Mr. P. Mallard, Planning Department
Mr. D. Godley, Planning Department
Mrs. V. Grupe, Planning Department
Mrs. C. Floroff, Planning Department
Mrs. Susan K. Reeder, Secretary

The Committee was in receipt of the minutes of their meetings held Wednesday, 1989 July 12, Tuesday, 1989 August 14 and Tuesday, 1989 August 29, and agreed to **ADOPT** these minutes.

The Committee was in receipt of a request for consideration of a total refund of a building permit fee to Mr. Robin St. Jean, Durand Corporation for property at 251 King William Street. The Committee was in receipt of a Letter of Request from Mr. St. Jean dated 1989 August 17.

The Deputy Building Commissioner spoke to the Committee on this matter with respect to their report dated 1989 September 8.

General discussion ensued on this matter and it was indicated by the Secretary that Mr. St. Jean had been delayed but was on his way to the meeting. It was then agreed that this matter would **BE DEFERRED** until Mr. St. Jean arrived.

The Committee was in receipt of a report from the Building Commissioner dated 1989 September 6, respecting Demolition Permit Applications.

The Committee **APPROVED** the following:

That the Building Commissioner **BE AUTHORIZED** to issue demolition permits for the following properties:

- (a) 276 Limeridge Road East
- (b) 282 Limeridge Road East
- (c) 288 Limeridge Road East
- (d) 627 Rennie Street
- (e) 92 Shelby Avenue
- (f) 41 Robins Avenue

The Committee was in receipt of a report from the Building Commissioner dated 1989 August 23, respecting Cleaning of Domestic or Industrial Waste at Property at 313 Wentworth Street North.

Minutes - 1989 July 12,
1989 August 14,
1989 August 29.

Consideration of a total
refund of building permit
fee - 251 King William St.

Demolition Permit
Applications.

Cleaning of Domestic or
Industrial Waste -
313 Wentworth St. N.

The Committee APPROVED the following:

- (a) That the Building Commissioner BE AUTHORIZED to clear the property at 313 Wentworth Street North of domestic or industrial waste in accordance with City of Hamilton By-law 84-35; and
- (b) That the City Solicitor BE AUTHORIZED to prepare a By-law for the cleanup of 313 Wentworth Street North.

NOTE: The cost of the clearing of the debris will be added to the tax roll to be collected in a like manner as municipal taxes, at an estimated cost of approximately \$3,000. plus administration costs.

The Committee was in receipt of a report from the Building Commissioner dated 1989 August 24, respecting Removal of Inoperative Vehicles from Property at 31 South Street.

The Committee APPROVED the following:

- (a) That the Building Commissioner BE AUTHORIZED to remove two inoperative vehicles from 31 South Street in accordance with City of Hamilton By-law 74-74; and
- (b) That the City Solicitor BE AUTHORIZED to prepare a By-law for the removal of these vehicles.

NOTE: The cost of the removal of these vehicles will be added to the tax roll to be collected in a like manner as municipal taxes, at an estimated cost of approximately \$800. plus administration costs.

The Committee then discussed this particular matter and the Committee was advised by the Deputy Building Commissioner that the City is unable to remove inoperative vehicles from City streets and public property.

The Committee then APPROVED the following:

That the Mayor petition the Premier of Ontario on the need to pass legislation to give municipalities the power and authority to remove derelict vehicles from roadways and public property.

The Committee was in receipt of a report from the Building Commissioner dated 1989 August 24, respecting Clear-up of Domestic or Industrial Waste at Property at 111 Cope Street.

The Committee APPROVED the following:

- (a) That the Building Commissioner BE AUTHORIZED to clear the property at 111 Cope Street of domestic or industrial waste in accordance with City of Hamilton By-law 84-35; and
- (b) That the City Solicitor BE AUTHORIZED to prepare a By-law for the cleanup of 111 Cope Street.

NOTE: The cost of the clearing of the debris will be added to the tax roll to be collected in a like manner as municipal taxes, at an estimated cost of approximately \$1,800. plus administration costs.

The Committee was in receipt of a report from the Director of Community Development dated 1989 August 23, respecting a Designated Property Grant Application.

The Committee APPROVED the following:

That a Designated Property Grant in the amount of \$1,400. BE PROVIDED to James G. Davies Sr., 111 St. Clair Avenue South, Hamilton.

Removal of Inoperative Vehicles - 31 South Street.

Legislation request to allow municipalities to remove inoperative vehicles from City streets and public property.

Clear-up of Domestic or Industrial Waste - 111 Cope Street.

Designated Property Grant - 111 St. Clair Ave. S.

The Committee was in receipt of a report from the Director of Community Development dated 1989 September 7, respecting an Ontario Home Renewal Programme Grant/Loan.

O.H.R.P. Grant/Loan -
337 East 27th Street.

The Committee APPROVED the following:

That the Director of Community Development BE AUTHORIZED to process an Ontario Home Renewal Programme grant/loan in an amount not to exceed \$7,500. for Grace Townsend, 337 East 27th Street.

NOTE: The actual amount of grant or loan to be determined by inspection of the property under the Property Standards By-law 74-74 and pursuant to Regulation 506 (R.R.O. 1980) under The Housing Development Act for the Ontario Home Renewal Programme.

The Committee was in receipt of a report from the Director of Property dated 1989 August 25, respecting an Offer to Purchase the lands of the Corporation of the City of Hamilton at 140 Nebo Road.

Offer to Purchase City
Lands at 140 Nebo Rd.

The Committee APPROVED the following:

That an Offer to Purchase the lands of the Corporation of the City of Hamilton, Lot 18, Plan M-227, Hamilton Mountain Industrial Park #1, located at 140 Nebo Road, duly executed on 1989 August 23, by the Purchaser Allan Michaels Electric Ltd., and scheduled to close on or before 1990 March 12. BE APPROVED AND COMPLETED.

NOTE: The purchase price is \$200,000. A deposit cheque in the amount of \$20,000. is being held by the City Treasurer pending Council approval.

The property is composed of a parcel of land located on the westerly limit of Nebo Road, having a frontage of 200.23 feet by a depth of 433.31 feet/441.89 feet and containing an area of 2.01 acres.

This Offer to Purchase is conditional upon the City of Hamilton completing the re-purchase of this land from Fin-Par Enterprises Inc.

It is understood and agreed that the Vendor upon completion of this transaction will pay a Real Estate Commission on the following basis to Realcan Realty of Canada Ltd., 104-135 James Street South, Hamilton, Ontario L8P 2Z6, whose agent, Mr. Harry McKillop, acted in this matter:

1st \$100,000. of Purchase Price - 5%
2nd \$100,000. of Purchase Price - 4%

Notwithstanding paragraphs 6.3 (1) (2) (3) hereof, should the Transferee decide to construct an industrial condominium, in accordance with municipal, regional, and provincial requirements, the Transferee shall be entitled to enter into Agreements of Purchase and Sale in respect of the units to be contained within such condominium and shall further be entitled to transfer such condominium units to such Purchasers without such sales or transfers being deemed an act or acts of default hereunder.

The proceeds of the sale to be credited to Account #RF 45001 25202.

The Committee was in receipt of a report from the Commissioner of Engineering dated 1989 August 10, respecting Grading in Single-family House Lots.

Grading in Single-Family
House Lots.

The Committee APPROVED the following:

That Section 11 of the FOURTH Report for 1989 of the Planning and Development Committee approved by City Council on Tuesday, 1989 January 31. BE AMENDED by:

- (a) Adding to Subsection (b) "and g"; and
- (b) Adding a new (g) to read:
 - "(g) That the 7% restriction does not preclude retaining walls in the required back yard providing the terraces are maintained to the 7% grade set out in subsection (b)".

NOTE: The effect of the above is to permit retaining walls in the backyard which will permit the construction of sidesplits with the lower part of the house providing for a walk out.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1989 August 29, respecting Proposed Draft Plan of Condominium for property on the east side of Upper Gage Avenue, north of Royal Vista Drive and south of Anna Capri Drive.

The Committee APPROVED the following:

That APPROVAL be given to Proposed Draft Plan of Condominium Application SA-89-08, "Annina Place", 815488 Ontario Inc., owner, to establish a draft plan of condominium located at the east side of Upper Gage Avenue, north of Royal Vista Drive and south of Anna Capri Drive, subject to the following conditions:

- (a) That this approval apply to the plan prepared by A. J. Clarke and Associates Ltd., dated 1989 April 20, revised to show a 6.0m driveway width.
- (b) That no final approval be given prior to the completion of the construction of sewers on Upper Gage Avenue adjacent to the lands of this plan of condominium.
- (c) That the following conditions be included in the Area Municipality Condominium Agreement or the owner satisfy the Ministry of the Environment:
 - (i) All dwelling on units 1, 2, 9 and 10 inclusive shall be heated with a forced air system which must have adequate provisions for an owner-installed central air conditioning or mechanical ventilation system at a later date.
 - (ii) The builder shall install double glazed windows on dwellings on units 1, 2, 9 and 10 inclusive. Both glazing shall be of a minimum 24 oz. weight glass with a minimum separation between the panes of one inch or other construction achieving the equivalent or improved acoustical performance. All windows and sliding doors shall be well fitted and weather stripped.
 - (iii) The Subdivision Agreement shall require that the following clause be registered on title of each dwelling on units, 1, 2, 9 and 10 inclusive and be included in the agreement of purchase and sales:

Proposed Draft Plan of Condominium - east side of Upper Gage, north of Royal Vista Drive and south of Anna Capri Dr.

"Purchasers are advised that noise control measures have been included in this development, however, due to the increase in traffic volume, noise levels on this property may occasionally interfere with some activities of the occupant. Provisions have been made within the individual dwelling units for an owner-installed central air conditioning or equivalent mechanical ventilation system so that windows may be closed at the discretion of the occupant in order to achieve a suitable indoor noise environment. Air cooled condenser units for central air conditioning systems shall be located in a noise insensitive area".

- (d) That the owner agrees in writing to satisfy all financial requirements of the Regional Municipality of Hamilton-Wentworth.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1989 September 1, respecting Proposed Draft Plan of Condominium for property at the southeast corner of Lancing Drive, west of Nebo Road.

Proposed Draft Plan of Condominium - southeast corner of Lancing Drive, west of Nebo Road.

The Committee **APPROVED** the following:

That **APPROVAL** be given to Proposed Draft Plan of Condominium Application SA-89-11, "Lancing Industrial Corporation", 718780 Ontario Limited, owner, to establish a draft plan of condominium located at the southeast corner of Lancing Drive, west of Nebo Road, subject to the following conditions:

- (a) That this approval apply to the plan prepared by J. D. Barnes Ltd. dated 1989 May 17.
- (b) That the owner agrees in writing to satisfy all financial requirements of the Regional Municipality of Hamilton-Wentworth.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1989 September 1, respecting Hess Block Review - Central Neighbourhood.

Hess Block Review - Central Neighbourhood.

The Committee **APPROVED** the following:

That the Planning and Development Department **BE AUTHORIZED** to proceed with a Review of the Hess Block.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1989 August 28, respecting Official Plan Major (Five Year) Review - Authorization for a Public Meeting.

Official Plan Major (Five Year) Review - Authorization for a Public Meeting.

The Committee **APPROVED** the following:

That the Planning and Development Committee **DIRECT** staff to schedule a Public Meeting in accordance with Section 26 of The Planning Act to consider Draft Official Plan Amendment No. 80, resulting from the findings of the Official Plan Major (Five Year) Review.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1989 September 6, respecting Site Plan Control Application DA-88-30, for property at 1007 Fennell Avenue at Upper Gage.

Site Plan Control Application DA88-30 - 1007 Fennell Avenue at Upper Gage.

The Committee **APPROVED** the following:

That approval **BE GIVEN** to the request to amend Site Plan Control Application DA-88-30, by River Dell Holdings Limited, owners of lands known as 1007 Fennell Avenue at Upper Gage, for a shortfall in required parking subject to the following:

- (a) That the shortfall in the required parking from 498 to 469 spaces be finalized through the Cash-in-Lieu of Parking Policy.

NOTE: Alderman Smith and Mayor Robert M. Morrow declared a Conflict of Interest in this matter since both bank at that particular Branch.

City Initiative to review the definition of "Townhouse Dwelling"

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1989 August 9, respecting a City Initiative to Review the Definition of "Townhouse Dwelling".

The Committee APPROVED the following:

- (a) That the Planning and Development Department BE DIRECTED to hold a public meeting respecting the following proposed changes to By-law No. 6593:
- (i) That the definition of "Townhouse Dwelling" be amended to delete the phrase "...not more than 8 single family dwelling units, but ...";
 - (ii) That the definition of "Maisonette Dwelling" be amended to delete the phrase "... not more than 16 single family dwelling units, but ...";
 - (iii) That the "RT-10" (Townhouse) District and "RT-20" (Townhouse - Maisonette) District be appropriately amended to introduce new regulations respecting "Dwelling Unit Placement", to prohibit a "Townhouse" building from containing more than 8 single family dwelling units, and a "Maisonette" building from containing more than 16 units;
 - (iv) That the applicable Multiple Dwelling Zoning Districts be appropriately amended to introduce a new By-law provision requiring "Multiple Dwellings" containing a "Townhouse" or "Maisonette" component to comply with the respective By-law provisions for gross floor area ratio (multiple dwellings), and intensity of use (Townhouse and Maisonette Dwellings).
- (b) That the Planning and Development Department BE DIRECTED to NOT RECOMMEND Site Plan Approval for plans where the proponent has utilized By-law inconsistencies to circumvent the intend of the By-law.

Request for a total Building Permit Fee refund - 251 King William Street - "Broadway Cinema".

At this point, Mr. St. Jean was in attendance at the meeting and spoke on his request for a Total Building Fee Permit Refund.

Since this matter had already been discussed by the Committee members, no lengthy discussion ensued amongst the Committee.

It was then moved by Alderman McCulloch, seconded by Mayor Morrow that:

A one hundred percent refund of the Building Permit in the total amount of \$2,941. BE GRANTED to Mr. St. Jean with respect to the property at 251 King William Street "Broadway Cinema".

MOTION LOST.

Zoning Applications.

At this point, the Committee moved to the City Hall Council Chambers for the purpose of hearing Zoning Applications.

ZA 89-45 -
1492 Upper James Street.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1989 August 30, respecting Zoning Application 89-45, for property at 1492 Upper James Street.

The Committee APPROVED the following:

- (a) That APPROVAL be given to Zoning Application 89-45, 603815 Ontario Inc., owner for a further modification to the established "C" (Urban Protected Residential, etc.) District regulations to permit the temporary use of lands and the existing building for the sale of new and used cars for a further three year period, for property located at 1492 Upper James Street, as shown on the attached map marked as Appendix "A", on the following basis:
- (i) That the "C" (Urban Protected Residential, etc.) District regulations as contained in Section 9 of Zoning By-law No. 6593, as amended by By-law No. 86-201, applicable to the subject lands, be further modified in accordance with Section 38 of the Planning Act, R.S.O. 1983, to permit the temporary use of the lands and the existing building only, for the sale of new and used automobiles for a further maximum period of three years;
 - (ii) That notwithstanding Section 18(3)(ivc)(b) of Zoning By-law No. 6593, a minimum 3.0m wide landscaped planting strip shall be provided and maintained along the northerly lot line;
 - (iii) That notwithstanding Section 18(3)(ivc)(c) of Zoning By-law No. 6593, no visual barrier shall be required;
 - (iv) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-939a, and that the subject lands on Zoning District Map W-9D be notated S-939a;
 - (v) That the City Solicitor be directed to prepare a by-law to amend Zoning By-law No. 6593 and Zoning District Map W-9D for presentation to City Council;
 - (vi) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area;
- (b) That the amending by-law not be forwarded for passage by City Council until such time as a site plan has been approved by the Planning and Development Committee.

NOTE: The purpose of the by-law is to provide for a further modification to the "C" (Urban Protected Residential, etc.) District provisions applicable to property located at 1492 Upper James Street.

The effect of the by-law is to permit the temporary use of the lands and existing building only, for the sale of new and used automobiles for a further three year period.

In addition, the by-law provides for:

- (a) A minimum 3.0m wide landscaped planting strip along the northerly lot line only, whereas a 3.0m wide planting strip is required along the northerly, westerly and southerly lot lines.
- (b) To delete the requirement of a 1.2m to 2.0m high visual barrier along the northerly, westerly, and southerly lot lines.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1989 September 6, respecting Zoning Application 89-48, for property at the rear of 1285 Upper Gage Avenue fronting on Queen Victoria Drive.

The Committee APPROVED the following:

ZA 89-48 - rear of
1285 Upper Gage Avenue,
fronting on Queen
Victoria Drive.

That APPROVAL be given to Zoning Application 89-48, Arthur J. Boiago, owner, requesting a change in zoning from "AA" (Agricultural) District to "R-4" (Small Lot Single-Family Detached) District to create three lots, for property located at the rear of 1285 Upper Gage Avenue fronting on Queen Victoria Drive, as shown on the attached map marked as Appendix "B", on the following basis:

- (a) That the subject lands be rezoned from "AA" (Agricultural) District to "R-4" (Small Lot Single-Family Detached) District;
- (b) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-49B and E-49C for presentation to City Council; and,
- (c) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

NOTE: The purpose of the By-law is to provide for a change in zoning from "AA" (Agricultural) District to "R-4" (Small Lot Single-Family Detached) District for lands located at the rear of 1285 Upper Gage Avenue fronting on Queen Victoria Drive.

The effect of the By-law is to facilitate the severance of the land into three lots for small lot single-family residential dwellings.

ZA 89-46 - 1073,
1081 and 1085 Rymal
Road East.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1989 September 6, respecting Zoning Application 89-46, for property at 1073, 1081 and 1085 Rymal Road East.

Report of the circularization was given as follows:

135 notices sent 5 in favour 7 opposed

The Committee APPROVED the following:

That APPROVAL be given to Zoning Application 89-46, Bold-Duke Properties, owner, requesting a change in zoning from the established "L-mr-1" (Planned Development - Multiple Residential) District modified to "RT-20" (Townhouse - Maisonette) District to permit a townhouse development, on lands located at 1073, 1081 and 1085 Rymal Road East, as shown on the attached map marked as Appendix "C", on the following basis:

- (a) That the subject lands be rezoned from "L-mr-1" (Planned Development - Multiple Residential) District to "RT-20" (Townhouse - Maisonette) District;
- (b) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-49D for presentation to City Council; and,
- (c) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

NOTE: The purpose of the By-law is to provide for a change in zoning from "L-mr-1" (Planned Development - Multiple Residential) District to "RT-20" (Townhouse - Maisonette) District for lands located at 1073, 1081, and 1085 Rymal Road East.

The effect of the By-law is to permit a townhouse development having a maximum of 23 townhouse units.

ZA 89-73 - 21 Main
Street West (formerly
17 Main Street West)

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1989 September 8, respecting Zoning Application 89-73, for property at 21 Main Street West (formerly known as 17 Main Street West).

The Committee was also in receipt of a Letter of Submission from Mr. Edmond A. Shakker, Inch, Easterbrook & Shakker, Barristers & Solicitors, dated 1989 August 29.

The Committee APPROVED the following:

That APPROVAL be given to Zoning Application 89-73, 52 James Street South Limited, owner, requesting a modification to the "HI" (Civic Centre Protected) District provisions, to permit the development of the subject lands for a 14 storey, 145 unit, senior citizens multiple dwelling, for the property located at 21 Main Street West (formerly known as 17 Main Street West), as shown on the attached map marked as Appendix "D", on the following basis:

- (a) That the "HI" (Civic Centre Protected) District provisions, as contained in Section 15A of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following variances as special requirements:
 - (i) That notwithstanding Section 15A(1)(ia), a senior citizens multiple dwelling containing a maximum of 145 dwelling units shall be permitted;
 - (ii) That notwithstanding Section 15A, permitted commercial uses shall be located only within the ground floor of the senior citizens multiple dwelling;
 - (iii) That Section 15A(2)(ii) shall not apply;
 - (iv) For the purposes of this By-law, senior citizens multiple dwelling means a multiple dwelling within which all residents are at least 60 years of age or older;
 - (v) That Section 18.(3)(vi)(ee) shall not apply;
 - (vi) That notwithstanding Section 18A.(1)(a), a minimum of 47 parking spaces shall be provided and maintained for the senior citizens multiple dwelling;
 - (vii) That notwithstanding Sections 18A.(1)(c) and (d), two loading spaces having minimum dimensions of 3.7m x 9.0m x 4.3m shall be provided and maintained; and,
 - (viii) That notwithstanding Section 18A.(9), two of the required parking spaces and associated manoeuvring space, and the manoeuvring space for the loading spaces may be provided off-site.
- (b) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1137, and that the subject lands on Zoning District Maps W-4 and W-5 be notated S-1137;
- (c) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Maps W-4 and W-5 for presentation to City Council;
- (d) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area;
- (e) That the approved Durand Neighbourhood Plan be amended by redesignating the subject lands from "Commercial" to "Commercial and Apartments".

- (f) That as a condition of site plan approval, the applicants dedicate a maximum 3.33m alley widening to the City. The exact dimensions and uses of such dedication to be determined, to the joint satisfaction of the developers and the City, during the site plan approval process. In addition, road widenings, encroachment agreements, etc. will also be conditions of the site plan approval.

NOTE: The purpose of the By-law is to provide for a modification to the "HI" (Civic Centre Protected) District provisions for the property located at 21 Main Street West (formerly 17 Main Street West).

The effect of the By-law is to permit the development of the subject lands for a 14 storey, 145 unit, senior citizen multiple dwelling with commercial uses on the ground floor.

In addition, the By-law provides for the following variances:

- (a) To exempt the development from providing side yards;
- (b) To permit that portion of the parking garage (associated with the multiple dwelling) located above grade to project into a required yard;
- (c) To permit 47 parking spaces instead of the 116 required;
- (d) To allow two small loading spaces (3.7m x 9.0m x 4.7m) instead of one large and one small loading space for the senior citizens multiple dwelling, and one small loading space for the commercial component, if required;
- (e) To allow the manoeuvring space for the loading spaces to be accommodated off-site; and,
- (f) To allow two of the required parking spaces and associated manoeuvring space to be located off-site.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1989 September 6, respecting Zoning Application 89-47, for property at 992 Montclair Avenue.

Report of the circularization was given as follows:

197 notices sent	9 in favour	26 opposed
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The Committee was also in receipt of the following Letters of Submission:

- (a) Doreen Felker, 983 Montclair Avenue.
dated 1989 September 11;
- (b) Mr. & Mrs. Webster, 180 Grosvenor Avenue South,
dated 1989 September 3;
- (c) Mr. William Gallagher, 181 Belmoral Avenue South,
dated 1989 August 24;
- (d) C. K. McCormack, 975 Montclair Avenue,
dated 1989 September 6;
- (e) Anne McCullough and Mrs. Mandy Borcio, 952 Montclair Avenue, dated 1989 September 8.

Mr. Simon, 980 Montclair Avenue submitted a petition in opposition to this Application along with a Street Map of the area highlighting those property owners opposed to the application. He indicated that he does not want to see this facility enlarged and fears the increased flow of traffic if this application is approved.

2A 89-47 - 992 Montclair Avenue.

Mr. McCormack, 975 Montclair Avenue, spoke to the Committee in opposition to the Application. He expressed concerns that while the Zoning Application Sign required under City procedures was posted in April, the sign was removed in May. He added that when it was in fact replaced, it was placed in a very obscure position. He feels that on this basis, the Application should be denied.

A Representative of the Hope Haven Homes, Applicants for the Zoning Application spoke to the Committee. She advised that the sign was removed while the key Administrative person was away and that the sign had been removed after being broken away from the fence and that this removal was not intentional.

Mr. P. Mallard of the Planning Department spoke to this matter and indicated that his Department sees no default on the part of the Applicant with respect to the sign posting. He added that this is a requirement, not a By-law matter.

Ms. Elson, 976 Montclair Avenue spoke in opposition to the Application.

Mr. P. Mallard of the Planning Department clarified that approval of the Application would allow for the subject property to be used in conjunction with Hope Haven Homes only.

Mr. McCormack questioned the original use of the operation in the first place and Mr. P. Mallard of the Planning Department gave a history of the formation of this facility and counselling services being offered to the Community.

The Applicant for the Zoning matter then spoke to the Committee and introduced two of the neighbours who are also volunteers with Hope Haven Homes, namely Noreen Felkir and Anne McCulloch. Each of these women spoke in support of the Zoning Application.

The speakers also submitted a petition of support for the Homes which was obtained when the Zoning Application was originally made.

Ms. Felkir indicated that she supports Hope Haven Homes and feels secure with such a facility in the neighbourhood and added that it is well lighted.

Ms. McCulloch of 952 Montclair Avenue supports the Application and added that it is a good facility and meets the needs of the Community. She also spoke on the support petition and the enthusiastic response to it when it was circulated.

The Representative for the Home gave an outline of the eleven years' work in the Community that Hope Haven has contributed and added that she sees the needs of the Community are being met by the Haven.

Following this presentation, the Ward Alderman for the property spoke at great length on this matter.

The Committee then **APPROVED** the following:

That **APPROVAL** be given to Zoning Application 89-47, Hope Haven Homes Ltd., prospective owner, requesting a modification to the established "D" (Urban Protected Residential - One and Two Family Dwellings, Townhouses, etc.) District to move the administrative and counselling functions of Hope Haven Homes from 984 Montclair Avenue to the adjacent property, located at 992 Montclair Avenue, as shown on the attached map marked as **Appendix "E"**, on the following basis:

- (a) That the "D" (Urban Protected Residential - One and Two Family Dwellings, Townhouses, etc.) District regulations contained in Section 10 of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following variances as a special provision:

- (i) That notwithstanding Section 2(2)(A)(xiiaa) of By-law No. 6593, accessory offices, staffing and counselling shall be permitted within the existing building at 992 Montclair Avenue, only in conjunction with Hope Haven Homes located at 984 Montclair Avenue.
- (ii) That notwithstanding Section 10(1)(i) of By-law No. 6593, no use of the property located at 992 Montclair Avenue for the shelter of residents at Hope Haven Homes shall be permitted.
- (b) That the amending by-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1138, and the subject lands on Zoning District Map E-45 be notated S-1138;
- (c) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-45 for presentation to City Council; and,
- (d) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

NOTE: The purpose of the By-law is to provide for a modification to the "D" (Urban Protected Residential - One and Two Family Dwellings, Townhouses, etc.) District for property located at 992 Montclair Avenue.

The effect of the By-law is to permit the use of the subject property for administration and counselling offices, in conjunction with Hope Haven Homes located at 984 Montclair Avenue.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1989 August 31, respecting Zoning Application 89-51, for property at 153 George Street.

The recommendation from the Commissioner of Planning and Development recommends **DENIAL** of this Application.

Report of the circularization was given as follows:

143 notices sent	22 in favour	17 opposed
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Dr. Quick, 128 George Street spoke to the Committee on this matter and indicated that he represents various residents on George Street and some on Ray Street who are also opposed to this Application. He sighted insufficient parking in the area for such an Application and mentioned the various difficulties that this insufficient parking would cause the neighbourhood.

The owner of property at 10 Ray Street South also spoke in opposition to the Application.

Mr. Yanover, representative of the Applicant for this Zoning Application spoke to the Committee. He added that the Applicant is prepared to provide parking if the need warrants, but added that in her view the number of spaces are not required since residents do not have cars. He also added that blockage of driveways sited as a result of parking shortage occur in residential homes where deliveries are being made. He added that the addition would create 4 added bedrooms at the rear of the property but that no concrete plans have been made at this point on the specifics of the addition.

The Committee was in receipt of a Submission from Louis J. Agro, 141 George Street dated 1989 September 11.

The Committee discussed this matter at great length and **APPROVED** the following:

That APPROVAL be given to amended Zoning Application 89-51, Kathleen M. Ward, owner, requesting a modification to the established "D" (Urban Protected Residential - One and Two Family Dwellings, Townhouses, etc.) District regulations to permit the expansion of the existing residential care facility from 5 to 11 residents within the existing building, for property located at 153 George Street, as shown on the attached map marked as Appendix "F", on the following basis:

- (a) That the "D" (Urban Protected Residential - One and Two Family Dwellings, Townhouses, etc.) District regulations as contained in Section 10 of Zoning By-law No. 6593 applicable to the subject lands, be modified to include the following variance as a special requirement:
 - (i) That notwithstanding Section 10(1)(i) a residential care facility for a maximum of 11 residents shall be permitted, only within the existing building.
- (b) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1139, and the subject lands on Zoning District Map W-12 be notated S-1139;
- (c) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-12 for presentation to City Council; and,
- (d) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

NOTE: The purpose of the By-law is to provide for a modification to the "D" (Urban Protected Residential - One and Two Family Dwellings, Townhouses, etc.) District for property located at 153 George Street.

The effect of the By-law is to permit an expansion of the existing residential care facility from 5 to 11 residents within only the existing building.

Following approval of this matter, Dr. Quick and the owner of the property at 10 Ray Street South, asked the Committee about their concerns that the person who lives beside the property at 153 George Street is an elderly lady and that they are concerned that when this house comes up for sale that the Applicant will purchase the home to expand her operation. It was indicated that this was a private matter.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1989 September 5, respecting Zoning Application 89-74, for property at 197 and 211 Stone Church Road East.

ZA 89-74 - 197 and
211 Stone Church Road
East.

Report of the circularization was given as follows:

94 notices sent 11 in favour 2 opposed

The owner of property at 185 Stone Church Road East questioned the Zoning Application and asked if the original intent to build a Nursing Home and Senior Citizen Multiple Dwelling was changed, whether the prospective owners of this property could build townhouses instead. Mr. Paul Mallard of the Planning Department indicated that they would be able to do this.

Mr. Fred Heydon, representative of the owners at 1415 Upper Wellington Street spoke to the Committee with respect to the Application and indicated that his Company plans to expand and asked whether approval of this particular Application will affect their development. Mr. Mallard of the Planning Department indicated that each application is considered on its own merits. Mr. Abraham, Director of Local Planning also indicated that the facility at 1415 Upper Wellington and the subject Application meet the required distance for these facilities.

Following some discussion on this, it was agreed by the Committee that this Zoning Application would be made Site specific to ensure that only a Nursing Home and 3 storey 83 units Senior Citizen Multiple Dwelling could be used for this property.

The Committee then APPROVED the following:

- (A) That APPROVAL be given to Official Plan Amendment No. 79 to redesignate the subject lands from "Open Space" to "Major Institutional", and the City Solicitor be directed to prepare a By-law to amend the Official Plan for submission to the Regional Municipality of Hamilton-Wentworth.
- (B) That APPROVAL be given to Zoning Application 89-74, Griffin Development Corporation, prospective owner, for a change in zoning from "AA" (Agricultural) District to "DE-3" (Multiple Dwellings) District (Block "1"), and from "C" (Urban Protected Residential, etc.) District to "DE-3" (Multiple Dwellings) District (Block "2"), to permit a combined one storey 62 bed nursing home and a three storey senior citizens multiple dwelling (retirement home) having 83 units, on property municipally known as 197 and 211 Stone Church Road East, as shown on the attached map marked as Appendix "G", on the following basis:
 - (a) That the lands described as Block "1" be rezoned from "AA" (Agricultural) District to "DE-3" (Multiple Dwellings) District;
 - (b) That the lands described as Block "2" be rezoned from "C" (Urban Protected Residential, etc.) District to "DE-3" (Multiple Dwellings) District;
 - (c) That the "DE-3" (Multiple Dwellings) District regulations as contained in Section 10C of Zoning By-law No. 6593, applicable to Blocks "1" and "2" be modified to include the following variances as special requirements:
 - (i) That notwithstanding the provisions of Section 10C(1), only the following use shall be permitted:
 - (1.) a combined one storey 62 bed nursing home and a three storey 83 unit senior citizens multiple dwelling;
 - (ii) That notwithstanding Section 10C(3)(i)(b), a minimum front yard depth of 9.0m shall be provided and maintained along the easterly lot line within 75m of Stone Church Road East;
 - (iii) That notwithstanding Section 10C(3)(iii)(b), a minimum rear yard depth of 9.0m shall be provided and maintained along the westerly lot line within 30.0m of Stone Church Road East;
 - (iv) That notwithstanding Section 18A (14) a parking area shall be permitted in the required front yard with 7.5m of the street line;
 - (v) That notwithstanding Section 18A, Table 1 a minimum of 63 parking spaces shall be provided and maintained for the combined nursing home/senior citizens multiple dwelling use mentioned in clause (i) above;
 - (vi) That for the purposes of this By-law, a senior citizens multiple dwelling means a multiple dwelling within which all residents are at least 60 years of age or older.

- (d) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1140, and that the subject lands on Zoning District Map E-9C be notated S-1140;
- (e) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-9C for presentation to City Council;
- (f) That the proposed change in zoning will be in conformity with the Official Plan for the Hamilton Planning Area upon the approval of Official Plan Amendment No. 79 by the Regional Municipality of Hamilton-Wentworth.
- (g) That the Jerome Neighbourhood Plan be amended by redesignating the subject lands from "Institutional and Recreational" to "Civic and Institutional". In addition, the Jerome Neighbourhood Plan be reviewed respecting changes to the land use and road pattern for the lands immediately to the west of the site in question.

NOTE: The purpose of the By-law is to provide for a change in zoning from "AA" (Agricultural) District "DE-3" (Multiple Dwellings) District (Block "1"), and from "C" (Urban Protected Residential, etc.) District to "DE-3" (Multiple Dwellings) District (Block "2"), for property located at 197 and 211 Stone Church Road East.

The effect of the By-law is to permit a combined one storey 62 bed nursing home, and a three-storey senior citizens multiple dwelling (i.e. retirement home) having 83 dwelling units for the accommodation of residents at least 60 years of age or older.

In addition, the By-law provides for the following variances as special requirements:

- (a) A minimum front yard of 9.0m, along the easterly lot line within 75m of Upper Wellington Street, whereas a minimum of 12.0m is required;
- (b) A minimum rear yard of 9.0m, along the westerly lot line within 30.0m of Stone Church Road East, whereas a minimum of 13.5m is required;
- (c) To permit parking spaces in the required front yard with 7.5m of the street line, whereas no front yard is permitted within 12.0m;
- (d) To require a minimum of 63 parking spaces to be provided and maintained on the site, whereas 125 parking spaces are required.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1989 August 31, respecting Gateway East Study (Centennial Parkway from Confederation Park to Queenston Road) - Public Meeting.

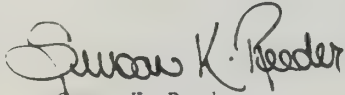
Gateway East Study
(Centennial Parkway
from Confederation Park
to Queenston Road) -
Public Meeting.

The Committee APPROVED the following:

That the Planning and Development Department staff BE DIRECTED to review all input received from the Public, and the comments of the Traffic Department, and prepared final recommendations on the Study Proposals for the Committee's consideration at a future meeting.

There being no further business, the meeting then adjourned.

Taken as read and approved,



Susan K. Reeder
Secretary
1989 September 13

ALDERMAN J. SMITH, CHAIRMAN
PLANNING AND DEVELOPMENT COMMITTEE

Wednesday, 1989 September 13
7:00 o'clock p.m.
Lobby, City Clerk's Department
City Hall

The Planning and Development Committee met.

There were present: Alderman J. Smith, Chairman
Alderman H. Merling
Alderman D. Ross
Alderman M. Kiss

Regrets: Mayor Robert M. Morrow
Alderman W. McCulloch
Alderman B. Hinkley
Alderman D. Christopherson
Alderman F. Lombardo

Also present: Alderman T. Jackson
Alderman J. Gallagher
Mr. P. Lampman, Deputy Building Commissioner
Mr. B. Allick, Director of Building Inspections
Mr. J. Pavelka, Director of Public Works
Mr. J. Weber, Hamilton-Wentworth Health Unit
Mr. J. Percy, Ministry of the Environment
Mr. F. Dobroff, Ministry of the Environment,
Regional Office
Ms. L. Lawrence, City Solicitor's Office
Approximately 128 members of the Public
Mrs. S. Glover, Acting Secretary

The Chairman welcomed everyone to the meeting and introduced the Committee and staff members present. He said the purpose of the meeting was to receive the recommendations of the Task Force on Apartment Garbage. However, as a quorum was not present, the Chairman advised that the Committee would HEAR submissions that evening and report back to the Planning and Development Committee.

Chairman's opening remarks.

Alderman Merling, the Chairman of the Task Force on Apartment Garbage, said the Task Force had been struck to address problems created by the Ministry of the Environment legislation which prohibited the use of apartment incinerators. This legislation had resulted in many apartment building owners closing down their buildings existing garbage chutes. Thereby creating numerous problems for tenants and area residents.

Chairman - Task Force on Apartment Garbage remarks.

Alderman Merling advised that numerous complaints had been received and visits carried out in the community culminating in the recommendation of the Task Force as follows:

Recommendation of the Task Force.

"The Property Standards By-law 74-74 BE AMENDED to require that garbage and refuse chutes and garbage and storage rooms in apartment buildings shall be kept in use and maintained in operation at all times".

Alderman Merling advised that if the recommendations of the Task Force were adopted by the Planning and Development Committee, they would be sent to Council for adoption and the subsequent by-law amendment in order that these recommendations could be enforced.

The tenants and area residents were then invited to make their submissions to the Committee.

Tenants and area residents submission.

Maureen Humphrey - 1205 Fennell Avenue (Confederation Square Apartments)

-Maureen Humphrey (tenant)
(Confederation Square Apartments)

Ms. Humphrey said she was speaking on behalf of other tenants in her apartment building and cited cases where old people had to carry a large number of garbage bags downstairs and expressed concerns that these same people would have to take bags out to the high bins in the icy parking lots during the Winter months. She asked why the closing down of the incinerators had necessitated the closing down of the chutes.

Ms. Humphrey said that older people felt intimidated about speaking out and said that although rents kept increasing, the tenants rights were being taken away from them. She advocated the reinstatement of these chutes and replacement of the garbage bins inside the building and said she had spoken to the Property Manager who should have relayed her concerns to Mr. Arthur Weisz, the owner.

Ms. Humphrey said she also did not feel that adequate notice had been given of the meeting.

Alderman Gallagher drew attention to the plight of handicapped tenants and said the situation was doubly unacceptable in their case.

Fred Broughton - 877 Upper Gage (Eden Rock Apartment Building)

Mr. Broughton thanked the Aldermen who had met with him. He said he felt there was no reason for the action taken by the Landlords, resulting he felt, in a waste of money and council time.

Mr. Broughton drew Committee's attention to concerns he had with regard to the operation of the Eden Rock Apartment Building, including the policy for replacing appliances, the fact that no interest payment was forthcoming on the last month's cheque unless specifically requested by the tenant, and an agreement whereby new tenants were asked not to divulge rent paid or go to the Rent Review Board.

Mr. Broughton said he could find no reference in the Ministry of the Environment regulation to the closing of garbage chutes. He said that when the new compactor was installed at his apartment building, it would be necessary to take their garbage to the rear of the building. His concerns with regard to the ability of elderly and handicapped tenants to do this, and a request for a meeting in this regard with the owner had been received unsympathetically.

Mr. Broughton respectfully requested that a specific date be included in By-law 74-74, for the re-opening of the garbage chutes and suggested a date not later than September 30, 1989.

Alderman Merling advised that as soon as the proposed by-law amendment was passed by Council, it would become effective.

Frank Peck - Eden Rock Apartment Building

Mr. Peck concurred with Mr. Broughton's statements and referred to the case of a lady who was paralysed and the subsequent difficulties the new garbage arrangements would cause her.

Olive Creaser - 200 Gage Avenue South, Apartment 401 (Landlord - Mr. Adler)

Ms. Creaser advised the Committee that the chute had closed in her apartment building on June 7, and she had written to the Ministry of the Environment in this regard. She said she felt that this was very much a Provincial matter and that the By-law should not have been passed in the first place without further investigation being carried out as to how this would affect people. She said she felt that insufficient notice had been given by the Province and was happy that the Municipality were to take action in this regard.

Ms. Creaser introduced a sample of dirt which she said was taken from her windowsill that evening as an example of the pollution still in the environment.

Alderman Smith expressed concern that hospitals were still allowed to use their incinerators while apartments had to close theirs down.

Plight of
handicapped tenants.

- Fred Broughton
(tenant)
(Eden Rock
Apartment Building)

Proposed by-law
amendment.

-Frank Peck(tenant)
(Eden Rock
Apartment Building)

-Olive Creaser
(tenant)
(200 Gage Ave.South)

Hospital
Incinerators.

A representative of the Ministry of the Environment introduced a copy of an advertisement which had appeared in the Spectator on September 15, 1987 inviting public comment on the proposed regulation to ban apartment building incinerators.

Bill Davies - 102 Sherwood Rise

Mr. Davies said he was a resident living behind the Willshire Apartment building on Fennell Avenue and was attending on behalf of other residents of Sherwood Rise. He said 4 garbage containers had been placed against the residents fences resulting in garbage blowing onto their property and an offensive odour in Summer months.

Mr. Davies thanked the tenants for the good job they had done in placing the garbage in the bin, however, he said a large part of the problem was that the bins were not emptied until garbage was spilling over.

Alderman Smith said he had spoken to Mr. Weisz and advised that the situation was unacceptable to the owners of Sherwood Rise.

Alderman Merling sited numerous complaints received by himself and Alderman Gallagher with regard to this situation.

Alderman Gallagher concurred with Alderman Merling and drew attention to the situation at long week-ends when bins were overflowing and the smell was worse. He said that the quality of life in this community had been negatively impacted upon by this move.

Alderman Merling then invited apartment owners to make submissions.

Harold Perry - Supervising Property Manager for Dominion Property Management

Mr. Perry said Dominion Property Management supervised the following apartment buildings:

- Meadowbrook, Tiara, Argyle, Concordia, Queenston Plaza.

He said in his opinion the garbage chutes on all floors of the apartment buildings should be kept closed with the exception of the chutes on the first floor. He explained that prior to May 1, 1989 the kitchen garbage of all tenants was placed into garbage chutes on each floor of the building. This fell into a sealed room in the basement and a maintenance person would shovel the garbage into incinerators several times a day.

Mr. Perry said that problems had arisen when improperly sealed garbage bags were thrown into the chutes resulting in a build-up on all floors of filth in the lining of the chutes. This build-up was unhealthy and housed lice, cockroaches, etc. He said when the upper chutes had been closed the situation improved tremendously because garbage was better bagged and wrapped. Mr. Perry said in his opinion the closing of the chutes on all but the first floor had not caused any problems and had in fact made a healthier situation.

Mr. Perry said in the buildings he supervised there was always a closed garbage room within the building, bins were kept sealed in this room until taken out on the day of disposal. He said the storage room was cleaned and deodorized daily and he felt a return to open chutes would be a return to previous problems.

Ministry of the Environment representative remarks.

- Bill Davies
(resident)
(behind the Willshire Apartment

Unacceptable situation to owners of Sherwod Rise.
Numerous complaints received.

-Long week-ends situation.
-Quality of Life.

Apartment owners submissions:

- Harold Perry
(Dominion Property Management)

- Marcel Mongeon
(Joymarmon Group)

Marcel Mongeon, General Manager of Joymarmon Group

Mr. Mongeon said of the three buildings with which he was involved, all garbage chutes were open. He said in his opinion, the by-law was unnecessary and cited the Residential Rent Act, 1986 which made provision for a tenant to apply to the Review Board and obtain a reduction in their rent. He referred to the closure of chutes being necessary for a limited period of time during the installation of compactors and the subsequent construction involved.

- Fred Rudolph,
Lawyer for:
Dominion Property
Management.

Fred Rudolph - Lawyer representing Dominion Property Management

Mr. Rudolph said he felt the amendment to the By-law unnecessary because the Property Standards By-law already provided the power to regulate this situation and suggested that the City hire more staff to enforce the Property Standards By-law.

With the closing of the chutes Mr. Rudolph said people were having to be more responsible and bag garbage properly and transport it out of the building. He cited the problem at Eden Rock Apartments where a compactor could not be physically placed near the chute area. He said it would be almost impossible for the owner to comply with the proposed by-law amendment as it would be difficult to get the garbage out of the chute room.

Referring to the difficulties of seniors or handicapped residents, Mr. Rudolph said he recognized the inconvenience and compared it to the inconvenience caused when home owners were required to set out their own garbage. He said the situation of closing the chutes had resulted in cleaner buildings.

Mr. Rudolph said in his opinion there were two separate issues:

- (1) What would be done with the garbage which used to be burned;
and
- (2) The closures of chutes which would result in a cleaner
situation.

- Leslie Barrow
(Casablanca & Capri
Apartments)

Leslie Barrow - Property Manager - Casablanca and Capri Apartments - 666 and 640 Mohawk Road East.

Mr. Barrow referred to the cleanliness of his buildings and cited a problem at 640 Mohawk Road East where the layout of the building physically precluded the installation of a compactor. He said another problem was the fact that the compactor companies were backlogged. When a compactor was installed he undertook to open the chute in the building but said to do so prior to that would attract vermin and rodents.

If passed, Mr. Barrow said the proposed by-law amendment would impact unfairly on landlords who were attempting to look after the needs of their tenants and the area residents.

- Thomas Cattle
(Concordia Apartment
Buildings)

Thomas Cattle - Superintendent - Concordia Apartment Buildings - 575 Queenston Road.

Mr. Cattle made his submission that representatives of the Task Force should visit his building. He said that a compactor was in use and only the first floor chutes were open. He said the garbage room was supervised hourly to ensure garbage was not left there.

Mr. Cattle said in his opinion he had a situation which was working and felt the by-law would discriminate against buildings which were well run. He cited the difference between compactors and outside garbage areas. He said if the chutes were opened on floors other than on the first floor, it would result in more garbage in the chutes and create a noise problem for tenants living adjacent to the chutes. Mr. Cattle advised the Committee that he was leaving the employ of Dominion Properties shortly and was speaking as a concerned citizen.

Tony Bracka - Effort Trust Co.

Mr. Bracka advised the Committee that contracts were out already for compactors and conveyor belts and his Company were trying to do the best they could to expedite the situation for the tenants. He said all garbage chutes would be re-opened when the compactors were installed.

- Tony Bracka
(Effort Trust Co.)

Victor Anderson - Manager of Eden Rock Apartments

Mr. Anderson said he had recently taken over the Eden Rock Apartment building and said he felt the installation of compactors would be the end of the problems. He said he could not see the chutes being re-opened in that particular building because the garbage would then have to be carried out to the compactor. With the garbage chutes closed the garbage was presently bagged properly and carried out to the storage area.

- Victor Anderson
(Eden Rock Apartments)

In response to a question from Alderman Gallagher regarding the time frame for delivery and installation of compactors, 2 landlords said it would take approximately 4-1/2 months and the representative of Effort Trust expected to have the compactors installed by mid December.

Time frame for
delivery and
installation of
compactors.

Alderman Jackson said he supported the recommendation of the Task Force and commended the landlords who had shown cooperation and were simply waiting the installation of compactors before re-opening their chutes.

Commendation of
Landlords.

Alderman Smith thanked everyone for attending and in particular Alderman Merling for the effort put into dealing with this problem. He welcomed Alderman Mary Kiss and stated that the Committee still lacked a quorum in order to vote on the recommendations. He suggested that a special meeting of the Planning and Development Committee be held on Tuesday, 1989 September 26 at 6:00 o'clock p.m., prior to the regular Council meeting, in order that this matter could be dealt with as soon as possible.

No Quorum -
Special meeting
of the Planning &
Development Committee
- Tuesday, 1989
September 26.

There being no further meeting, the meeting then adjourned.

Adjournment.

Taken as read and approved.

S.T. Glover
Stella Glover
Acting Secretary
1989 September 13

ALDERMAN J. SMITH, CHAIRMAN
PLANNING AND DEVELOPMENT COMMITTEE

Tuesday, 1989 September 26
6:00 o'clock p.m.
Room 233, City Hall

The Planning and Development Committee met.

There were present: Alderman J. Smith, Chairman
Alderman B. Hinkley
Alderman M. Kiss
Alderman H. Merling
Alderman D. Ross

Regrets: Mayor R. M. Morrow
Alderman D. Christopherson - Civic Business
Alderman F. Lombardo
Alderman W. McCulloch

Also present: Alderman T. Murray
Alderman T. Jackson
Mr. L. Sage, Chief Administrative Officer
Mr. L. King, Building Commissioner
Mr. B. Allick, Director of Building Inspections
Ms. L. Lawrence, City Solicitor's Office
Mr. V. Abraham, Director of Local Planning
Mr. D. Heinz, Public Works Department
Mr. J. Bruno, Executive Director
Hamilton and District Apartment Association
Mrs. S. Glover, Acting Secretary

The Chairman welcomed everyone to the meeting and advised that a Special Meeting of the Planning and Development had been called to address the Recommendations of the Task Force on Apartment Garbage.

The Committee was in receipt of a letter from Mr. John Bruno, Executive Director of the Hamilton and District Apartment Association. Mr. Bruno attended and addressed the concerns raised in his letter.

Mr. Len King, the Building Commissioner, said that the By-law was intended to ensure that garbage chutes and storage rooms that were originally installed in buildings were in fact maintained in operation. He said the By-law was written in such a manner that it clearly referred to existing facilities which were to be maintained.

Mr. King assured the Committee that Mr. Bruno's concerns were therefore addressed in the By-law.

The Committee **AGREED** as follows:

- (a) That Property Standards By-law 74-74 **BE AMENDED** to require that garbage and refuse chutes and garbage and storage rooms in apartment buildings shall be kept in use and maintained in operation at all times; and
- (b) That the City Solicitor **BE AUTHORIZED** to prepare the appropriate amending By-law for presentation to City Council.

There being no further business, the meeting then adjourned.

Taken as read and approved,

S. Glover
Stella Glover
Acting Secretary
1989 September 26

ALDERMAN J. SMITH, CHAIRMAN
PLANNING AND DEVELOPMENT COMMITTEE

Chairman's opening remarks.

Letter from Mr. John Bruno
Hamilton & District
Apartment Association -
Mr. Bruno addressed his
concerns.

Clarification by
Building Commissioner
of By-Law 74-74.

Assurance given that
Mr. Bruno's concerns
addressed in the By-law.

Property Standards By-
Law 74-74 Amendment.

Adjournment.

CA40N HBLA05
CS1P4

E. A. SIMPSON
CITY CLERK

K. E. AVERY
DEPUTY CITY CLERK



CITY HALL
HAMILTON, ONTARIO
L8N 3T4

THE CORPORATION OF THE CITY OF HAMILTON

OFFICE OF THE CITY CLERK

CA4 ON HBLA05
CS1P4
1989

1989 October 27th

NOTICE OF SPECIAL MEETING

Planning and Development Committee
Tuesday, 1989 October 31st
7:15 o'clock p.m.
Room 233, City Hall

URBAN MUNICIPAL
OCT 31 1989
GOVERNMENT DOCUMENTS

Susan K. Reeder
Secretary

SKR:dbm

A G E N D A

1. Removal of the "H" (Holding) Provision - 1400 Upper James Street, (Bayfield Green Development Ltd.)

BUILDING COMMISSIONER

2. Demolition Permit Application.

3. Other Business.

4. Adjournment.

1

FOR ACTION

REPORT TO:

SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT
COMMITTEE

DATE: October 19, 1989

COMM FILE

DEPT FILE: ZA-89-100
(ZA-87-48)

Mewburn

Neighbourhood

FROM:

J.D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

SUBJECT:

Request for the removal of the 'H'(Holding) Symbol - No. 1400 Upper James Street.

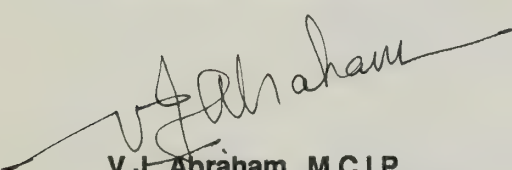
RECOMMENDATION:

That approval be given to Zoning Application 89-100, Bayfield Green Development Ltd., owner, requesting the removal of the 'H' (Holding) symbol provision under Section 34(1) of the Planning Act, and the City Solicitor be directed to prepare a By-law for submission to City Council for the property located at No. 1400 Upper James Street, as shown on the attached map marked as APPENDIX "A".

EXPLANATORY NOTE:

The purpose of this by-law is to remove the 'H' holding symbol, for the property located at No. 1400 Upper James Street. The holding provision prohibits the development of the lands until the installation of all such municipal sewers as the City deems necessary. In this regard, the installation of municipal services has been approved by Regional Council.

The effect of the by-law is to permit the development of the subject lands for single-family dwellings (Block "1") and for a shopping plaza (Blocks "2", "3" and "4"), in accordance with the "C" (Urban Protected Residential, etc.) and "HH" (Restricted Community Shopping and Commercial, etc.) District provisions, respectively.


V.J. Abraham, M.C.I.P.
Director of Local Planning

FINANCIAL IMPLICATIONS:

N/A

BACKGROUND:o By-law 89-130

On April 25, 1989, City Council passed By-law 89-130 which rezoned the subject lands from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District, and from "C" (Urban Protected Residential, etc.) District and "H" (Community Shopping and Commercial, etc.) District to "HH" (Restricted Community Shopping and Commercial, etc.) District, to permit the development of the subject lands for single family dwellings and a shopping plaza (White Rose Nursery and Cashway Lumber store). A 'H' (Holding) symbol was placed on the lands pending the availability of full municipal services.

By-law 89-130 was appealed to the Ontario Municipal Board. The appeal was subsequently dropped by the objector in September 1989.

On March 28, 1989, the applicant received Site Plan approval.

The applicant wishes to proceed with the development but he is required to remove the holding provision before a building permit is released.

o Municipal Sewers

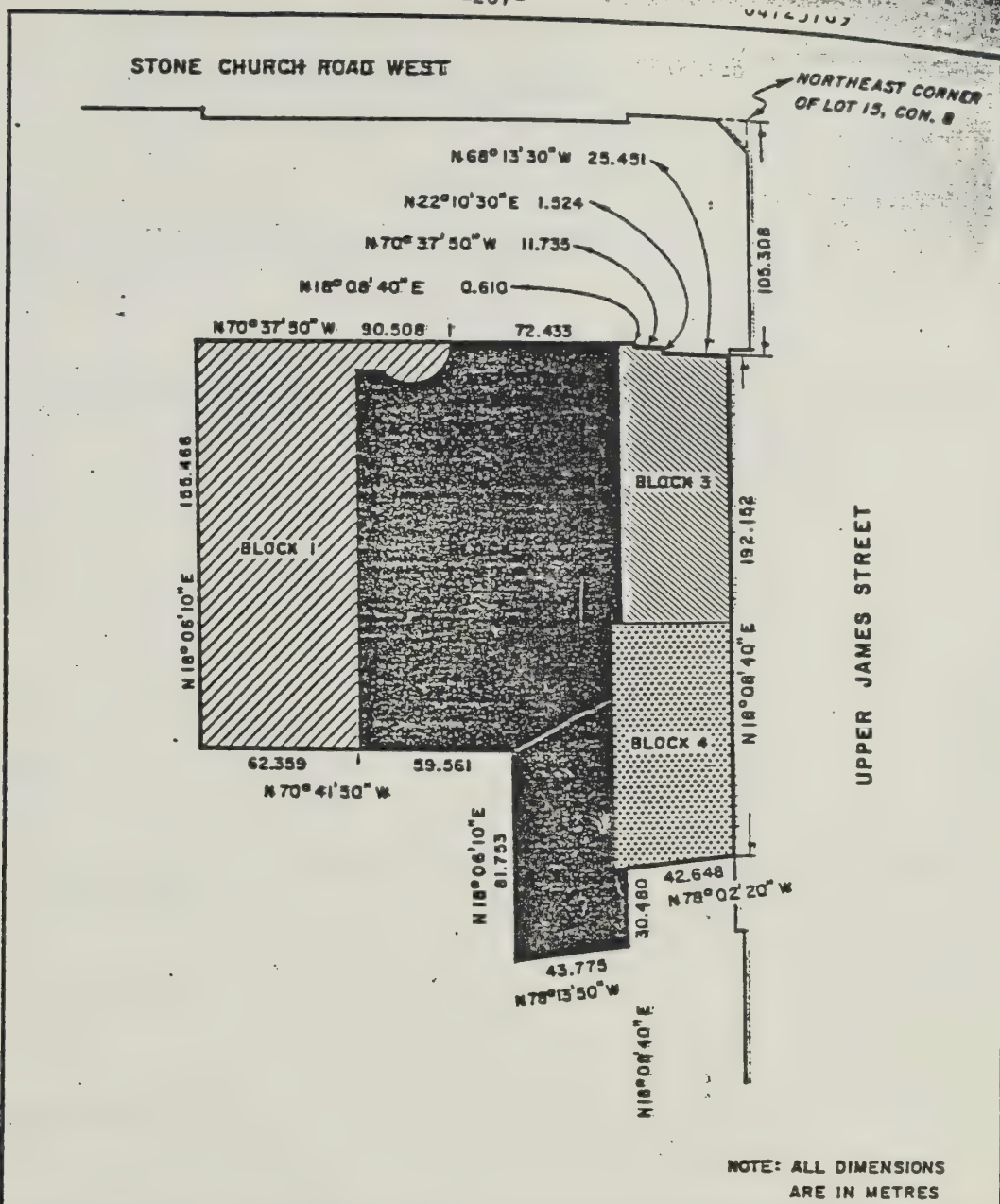
On October 3, 1989, Regional Council awarded the contract for the installation of the sewers along Upper James Street. They are expected to be operational by February 1990.

COMMENTS:

- 1.) The proposal can be supported for the following reasons:
 - a) Regional Council has approved the installation of services in this area;
 - b) The Hamilton-Wentworth Engineering Department has advised that the tender for the contract for the services has been awarded and completion is expected by February 1990. From the Planning and Engineering perspectives, the removal of the 'H' provision is considered appropriate at this time since the applicant does not intend to occupy the building until March 1990; and,
 - c) the applicant has entered into an agreement with the City stating that the building will not be occupied until such time as the necessary municipal services have been installed and connected.

CONCLUSION:






Based on the forgoing, the proposal can be supported.



THIS IS SCHEDULE "A" TO BY-LAW NO. 89-130
PASSED THE 25th DAY OF April, 1989

EA Simpson
Clerk

Amner
Mayor

<p>North</p> 	<p>Scale NOT TO SCALE</p> <p>Date APRIL 11, 1989</p>	<p>Reference File No. ZS-87-48</p> <p>Drawn By Z.K.</p>	<p>Legend</p> <p>CHANGE IN ZONING</p> <p> BLOCK 1 FROM "AA" (AGRICULTURAL) DISTRICT TO "C" -H (URBAN-PROTECTED RESIDENTIAL, ETC. -HOLDING) DISTRICT.</p> <p> BLOCK 2 FROM "AA" (AGRICULTURAL) DISTRICT TO "HH" -H (RESTRICTED COMMUNITY SHOPPING AND COMMERCIAL -HOLDING) DISTRICT, MODIFIED.</p> <p> BLOCK 3 FROM "C" (URBAN PROTECTED RESIDENTIAL, ETC.) DISTRICT TO "HH" -H (RESTRICTED COMMUNITY SHOPPING AND COMMERCIAL -HOLDING) DISTRICT, MODIFIED.</p> <p> BLOCK 4 FROM "H" (COMMUNITY SHOPPING AND COMMERCIAL, ETC.) TO "HH" -H (RESTRICTED COMMUNITY SHOPPING AND COMMERCIAL -HOLDING) DISTRICT, MODIFIED.</p>
<p style="text-align: center;">CITY OF HAMILTON</p> <p style="text-align: center;">SCHEDULE "A"</p> <p style="text-align: center;">MAP FORMING PART OF</p> <p style="text-align: center;">BY-LAW NO. 89-130</p> <p style="text-align: center;">TO AMEND BY-LAW NO. 6593</p> <p>Regional Municipality of Hamilton-Wentworth Planning and Development Department</p>			

FOR ACTION

2.

REPORT TO: The Planning and Development Committee

FROM: L.C. King, Building Commissioner

DATE: October 25, 1989

COMM. FILE:

DEPT. FILE:

SUBJECT:

Demolition

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for the following property: -

a. 1423 Upper Gage Avenue

FINANCIAL IMPLICATIONS: N/A

BACKGROUND:

For background information see attached sheet.

DEMOLITION CONTROL

CATEGORY "A" - PROPOSED USE OF LAND IS PERMITTED BY PRESENT ZONING

[illegible]

CA 40NHBLA05
CSIP4



URBAN MUNICIPAL LIBRARIAN

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THE CORPORATION OF THE CITY OF HAMILTON

OFFICE OF THE CITY CLERK

CA4 0NHBLA05
CSIP4
1989

1989 October 26

NOTICE OF MEETING

Planning and Development Committee
Wednesday, 1989 November 1
1:30 o'clock p.m.
Room 233, City Hall

URBAN MUNICIPAL
OCT 31 1989
GOVERNMENT DOCUMENTS

Susan K. Reeder
Secretary

SKR:dbm

ZONING APPLICATIONS WILL BE HEARD IN THE COUNCIL CHAMBERS.

A G E N D A

1. Minutes of the meeting held Wednesday, 1989 September 27.

BUILDING COMMISSIONER

2. Demolition Permit Applications. (report to follow)
3. Provision of Computer Workstations in the Building Department.

I

DIRECTOR OF COMMUNITY DEVELOPMENT

4. Central/Beasley Programme for Renewal Improvement Development and Economic Revitalization (P.R.I.D.E.): 1990 - 1994 Capital Budget.
5. 1990-1994 Capital Budget - Residential Conversion Loan Programme for Barton Street.
6. Treatment of Blank Walls in the Downtown Action Plan Area.
7. Kirkendall-Strathcona Neighbourhood Improvement Programme (N.I.P.): Wesley Urban Ministries, Provision of Services as Outlined in the Agreement with the City of Hamilton. (For Information)
8. Wall Mural Program within Business Improvement Area (B.I.A.): Commercial Improvement Programme.
9. Provision of Computer Workstations.
10. 1990-1994 Capital Budget - Central/Beasley Neighbourhoods; Application for P.R.I.D.E., Special Initiative to Support Residential Intensification Programme.

COMMISSIONER OF ENGINEERING

11. Cash payment in lieu of 5% Parkland dedication - "Wentwal Estates".

FINANCE COMMITTEE

12. Comprehensive Audit - Community Development Department as it relates to the Community Renewal and Housing Loans sections which are under the purview of the Planning and Development Committee.

(a) Report - Director of Community Development. (For Information)

ALDERMAN W. McCULLOCH

13. Tiffany Block. (No copy)

ALDERMAN D. CHRISTOPHERSON

14. Social Services Department Staff Comments on Zoning Application - 10 Herkimer Street.

COMMITTEE OF ADJUSTMENT

15. Terms of Office - Alderman H. Merling and Alderman F. Lombardo.

BUSINESS LAND USE ADVISORY BOARD

16. Comments on ZA 89-55 - 286 Sanford Avenue North.

DIRECTOR OF LOCAL PLANNING

17. Proposed Amendment No. 45 to the Hamilton Wentworth Official Plan (P7-3).
18. Main Street West Study.
- (a) Report and Visual Presentation - Commissioner of Planning and Development.
 - (b) Report - Director of Community Development - Commercial Improvement Programme; Main Street West Business Improvement Area (Potential).

COUNCIL CHAMBERS - ZONING APPLICATIONS

3:00 o'clock p.m.

19. Zoning Application 89-39, F. Marchetti, owner, for a modification to the "C" District regulations for property at 404 Cochrane Road South; Rosedale Neighbourhood.
- (a) Submission - John Currie, 395 Cochrane Road.
20. Zoning Application 89-65, Diton Construction (Ontario) Ltd., prospective owner, for a modification to the "C" District regulations for property at 843 Mohawk Road East; Hampton Heights Neighbourhood.
- (a) Submission - Conrad D. Gris, 90 Winchester Boulevard.
21. Zoning Application 89-75, Bethel Gospel Tabernacle, prospective owner, for a modification to the "AA" District regulations for property at 1355 Upper Wellington Street; Crerar Neighbourhood.

3:15 o'clock p.m.

22. Zoning Application 89-60, Carters Welding Supplies Ltd., owner, for a modification to the "J" District regulations for property at 186 Hunter Street East; Corktown Neighbourhood.

3:30 o'clock p.m.

23. Zoning Application 89-58, G. O'Donnell-Golden Chest Inc., owner, for a change in zoning from "C" to "H" for property at 585 Mohawk Road West; Gilbert Neighbourhood.

(a) Submission - Sylvia Carrod.

(b) Submission - Frum Development Group.

24. Zoning Application 89-79, E. Powell, prospective owner, for a change in zoning from "AA" to "HH" for lands located at the north west corner of Limeridge Road East and Upper Gage Avenue; Lawfield Neighbourhood.

(a) Submission - Norbert Schuller and Apans Health Services.

3:45 o'clock p.m.

- 25.(a) Chappel East and West Neighbourhoods (P5-2-23, P5-2-24)

(b) Subdivision Application 88-23 and Zoning Application 88-107, Rymal Gardens Inc., owner, for changes in zoning for lands municipally known as 408 Rymal Road East; Chappel East and West Neighbourhoods.

4:00 o'clock p.m.

26. Eleanor Neighbourhood Plan Review.

(a) Submission - Petition.

27. Other Business.

28. Adjournment.

Wednesday, 1989 September 27
1:30 o'clock p.m.
Room 233, City Hall

The Planning and Development Committee met.

There were present: Alderman J. Smith, Chairman
Alderman F. Lombardo, Vice-Chairman
Alderman H. Merling
Alderman B. Hinkley
Alderman M. Kiss
Alderman D. Ross
Alderman W. McCulloch

Regrets: Mayor Robert M. Morrow
Alderman D. Christopherson; Regional Business

Also present: Mr. V. Abraham, Director of Local Planning
Mr. R. Karl, Traffic Department
Mr. P. Lampman, Deputy Building Commissioner
Mr. W. Wong, Building Department
Mr. J. Robinson, Department of Community Development
Mr. B. Allick, Building Department
Mr. D. Pickard, Building Department
Mr. K. Brenner, Regional Engineering
Mr. M. Watson, Real Estate Division
Mr. J. Schwarz, Regional Planning Department
Mr. E. Kowalski, Director of Community Development
Ms. L. Lawrence, City Solicitor's Office
Mr. T. Bradley, Manager, Purchasing Division
Mr. J. Sakala, Planning Department
Mr. J. Thoms, Commissioner of Planning and Development
Mr. P. Mallard, Planning Department
Mrs. Susan K. Reeder, Secretary

The Committee was in receipt of the minutes of their meeting held Wednesday, 1989 August 16 and APPROVED these minutes.

The Committee was in receipt was in receipt of a report from the Building Commissioner dated 1989 September 20 respecting demolition permit applications.

The Committee APPROVED the following:

That the Building Commissioner BE AUTHORIZED to issue demolition permits for the following properties:

- (a) 207, 209, 211 Hughson Street North
- (b) 117 West Avenue South
- (c) 123 West Avenue South
- (d) 32 Stinson Street
- (e) 867 Upper Paradise Road
- (f) 25 Melbourne Street West
- (g) 288 Grays Road
- (h) 122 Harmony Road

The Committee also agreed that the following demolition application BE TABLED:

- (a) 148 Annabelle Street

Minutes -
1989 August 16.

Demolition Permit
Applications.

Land Drainage.

The Committee was in receipt of a report from the Building Commissioner dated 1989 September 20 respecting By-law No. 80-245 as amended by By-law No. 88-09 respecting land drainage.

Alderman Merling, Chairman of the Task Force on Lot Grading spoke to this matter. He requested that the Committee table this item in order that a full report could be brought back to the Committee on the following matters:

- (a) That the report outline the number of Orders to Comply on this matter.
- (b) Whether this By-law is being enforced.
- (c) The number of buildings that were built after the By-law was passed and did not comply to these new regulations.
- (d) A response from the Solicitor's Office with respect to the responsibilities that an architect has to ensuring that plans meet the current municipal legislation.

The Deputy Building Commissioner outlined the recommendation that was presented to them and the Committee then agreed with Alderman Merling's request that this matter be tabled in order that the above noted points could be included in a full report.

It was also suggested that when this matter comes back to the full meeting of the Planning and Development Committee that the appropriate people be at that meeting to speak to this matter. Namely, representatives of the Home Builders Association, Mr. Haverty, of Haverty and Rankin Limited, Architects, who wrote the letter which instigated the staff report, as well as the appropriate staff.

Cash-in-lieu of
Parking - Fennell
Square Plaza -
1007 Fennell Ave. E.

The Committee was in receipt of a report from the Chairman of the Cash-in-Lieu of Parking Committee dated 1989 September 20 respecting cash-in-lieu of parking - Fennell Square Plaza - 1007 Fennell Avenue East.

The Committee APPROVED the following:

- (a) That in accordance with the Cash-in-Lieu of Parking Policy, that Stan Vine of River Dell Holdings Limited **BE REQUIRED** to pay to the City of Hamilton the sum of \$79,750. which is 50% of the cost of providing 29 parking spaces at a total cost of \$159,500; and,
- (b) That the City Solicitor **BE DIRECTED** to prepare the Cash-in-Lieu Agreement as required.

NOTE: The sum of \$79,750. will be added to the reserve for off-street parking administered by the Parking Authority of the City of Hamilton.

On 1989 September 13, the Planning and Development Committee approved DA-88-30, subject to finalization of a shortfall in required parking from 498 to 469 spaces through the Cash-in-Lieu of Parking Policy.

The subject property is an existing plaza on which the owner proposes to erect an additional building. The new building causes a shortfall in parking required under Zoning By-law No. 6593.

At its meeting held on 1989 September 15, the Cash-in-Lieu Committee recommended that the policy be applied to this property for the shortfall of 29 parking spaces.

The Committee was in receipt of an added report from the Chairman of the Cash-in-Lieu Parking Committee dated 1989 September 27 respecting Cash-in-Lieu for 81 Dundurn Street South.

Cash-in-lieu of
Parking - 81 Dundurn
Street South.

The Committee APPROVED the following:

- (a) That in accordance with the Cash-in-Lieu of Parking Policy, that Martin Humphries BE REQUIRED to pay to the City of Hamilton the sum of \$80,000., which is 50% of the cost of providing 16 parking spaces at a total cost of \$160,000; and,
- (b) That the City Solicitor BE DIRECTED to prepare the Cash-in-Lieu Agreement as required.

NOTE: The sum of \$80,000. will be added to the reserve for off-street parking administered by the Parking Authority of the City of Hamilton.

The subject property is presently vacant except for a large advertising sign. The owner proposed to build a three-storey office building on the site with some 11 parking spaces to be provided in underground parking.

Under the requirements of Zoning By-law No. 6593, a total of 27 parking spaces are required. There is a shortfall of 16 parking spaces under the owner's proposal.

The Cash-in-Lieu of Parking Committee is recommending a 50% payment of the total development cost for the following reasons:

- (a) The owner has advised the Committee that a long-term lease on the adjoining three properties abutting Main Street West will be provided which will actually accommodate 25 parking spaces.
- (b) An additional loading space will be provided on the adjoining lands abutting Main Street West.
- (c) The number of parking spaces provided exceed the zoning by-law requirements, but do not comply with regulations in the zoning by-law pertaining to the provision of parking on the same lot.

The Committee was in receipt of a report from the Director of Community Development dated 1989 September 21 respecting Application for P.R.I.D.E. funding for 1990-1993 - Central/Beasley Neighbourhoods.

Application for
P.R.I.D.E. funding
for 1990-1993 -
Central/Beasley
Neighbourhoods.

The Committee APPROVED the following:

- (a) That, the Director of Community Development BE AUTHORIZED to make application to the Ministry of Municipal Affairs, Community Development Branch, for matching funds under the Programme for Renewal, Improvement, Development and Economic Revitalization (P.R.I.D.E.) Programme for a maximum of four hundred thousand dollars (\$400,000.) to equal a total project cost of eight hundred thousand dollars (\$800,000.) for the Central/Beasley P.R.I.D.E. Project; and,
- (b) That, a Community Improvement Project Area BE DESIGNATED as per Schedule "A", attached herewith and marked Appendix "A" for the Central/Beasley Neighbourhoods in conformity with The Planning Act, Section 28; and,
- (c) That, the City Solicitor BE AUTHORIZED and directed to prepare the necessary By-law for (b) above; and,
- (d) That, the Department of Community Development BE AUTHORIZED to prepare the requisite Community Improvement Plan in accordance with The Planning Act, Section 28; and,

- (e) That, the City Solicitor BE AUTHORIZED and directed to prepare the necessary By-law for (d) above.

NOTE: Funds for the City's portion of this project have been allocated in the 1989-1993 Capital Budget.

Included in the 1988-1991 period of the 1988-1992 Capital Budget was the amount of eight hundred thousand dollars (\$800,000.) for the Beasley P.R.I.D.E. Programme (\$400,000. Provincial and \$400,000. Municipal). Via the Parks Expenditure Policy, this has been geographically expanded to include a portion of the Central Neighbourhood also.

Commercial Facade
Loan Programme,
Improvement Plan &
Programme - Main
Street West.

The Committee was in receipt of a report from the Director of Community Development dated 1989 August 25 respecting Commercial Facade Loan Programme and the Commercial Improvement Programme - Main Street West Community Improvement Plan.

The Committee APPROVED the following:

- (a) That the Community Improvement Plan for Main Street West on Main Street West from Locke to Queen Streets (Main Street West B.I.A.) attached herewith and marked Appendix "B", BE APPROVED in order to implement the Commercial Facade Loan Programme and the Commercial Improvement Programme; and,
- (b) That the City Solicitor BE AUTHORIZED and directed to prepare the requisite By-law; and,
- (c) That the City Solicitor BE AUTHORIZED to submit to the Provincial Ministry of Municipal Affairs, the Community Improvement Plan on Main Street West from Locke to Queen Streets for their approval.

NOTE: The Planning Act, Section 28, Sub-Section 7 (1983) stipulates that, "For the purpose of carrying out the Community Improvement Plan the Municipality may make grants or lands to the registered owners or assessed owners of lands and buildings within the Community Improvement Project Area to pay for the whole or any part of the cost of rehabilitating such lands and buildings in conformity with the Community Improvement Plan".

In order to implement the Commercial Facade Loan Programme and the Commercial Improvement Programme on Main Street West from Locke to Queen Streets, the Community Improvement Plan must be adopted by By-law and approved by the Ministry of Municipal Affairs.

Commercial Facade
Loan Programme,
Improvement
Programme &
Plan - Locke Place.

The Committee was in receipt of a report from the Director of Community Development dated 1989 September 21 respecting Commercial Facade Loan Programme and Commercial Improvement Programme - Locke Place Community Improvement Plan.

The Committee APPROVED the following:

- (a) That the Community Improvement Plan for Locke Place on Locke Street West from Main to Herkimer Streets (Locke Place B.I.A.) attached herewith and marked Appendix "C", BE APPROVED in order to implement the Commercial Facade Loan Programme and the Commercial Improvement Programme; and,
- (b) That the City Solicitor BE AUTHORIZED and directed to prepare the requisite By-law; and,
- (c) That the City Solicitor BE AUTHORIZED to submit to the Provincial Ministry of Municipal Affairs, the Community Improvement Plan on Locke Street from Main to Herkimer Streets for their approval.

NOTE: The Planning Act, Section 28, Sub-Section 7 (1983) stipulates that, "For the purpose of carrying out the Community Improvement Plan the Municipality may make grants or loans to the registered owners or assessed owners of lands and buildings within the Community Improvement Project area to pay for the whole or any part of the cost of rehabilitating such lands and buildings in conformity with the Community Improvement Plan".

In order to implement the Commercial Facade Loan Programme and the Commercial Improvement Programme on Locke South from Main to Herkimer Streets, the Community Improvement Plan must be adopted by By-law and approved by the Ministry of Municipal Affairs.

The Committee was in receipt of a report from the Director of Community Development dated 1989 September 21 respecting an application for a loan under the Second Level Lodging Home Programme.

The Committee APPROVED the following:

That a rehabilitation loan in the amount of \$50,000. BE APPROVED for Veronica & Leonard Dunbar for a Second Level Lodging Home at 178 John Street North in Hamilton.

NOTE: This loan was previously approved on 1988 April 12, however, the property was sold and the loan payments are being assumed by the new owner.

The Committee was in receipt of a report from the Manager of Purchasing dated 1989 September 22 respecting fabricate and deliver ninety (90) refuse containers, Phase IV, Downtown Action Plan.

Alderman Hinkley spoke to this matter and asked that a redesign be done on these containers in order to allow a small opening labelled "litter" to allow people walking down these alleyways to deposit garbage that they may find along the way.

Mr. John Robinson of the Community Development Department spoke to this matter. Alderman Merling asked that the Public Works have input into this matter and Mr. Robinson addressed this comment by indicating that Mr. Reinhold of the Public Works Department had designed these containers.

Following further discussion on this matter by the Committee, it was agreed that this matter BE TABLED until the next meeting of the Committee in order that pictures of the container be brought in to show the Committee as well as information on the cost for the maintenance on these containers.

The Committee was in receipt of a report from the Commissioner of Engineering dated 1989 August 31 respecting cash payment in lieu of 5% dedication parkland dedication "Lillian Heights" - Phase 2, Hamilton.

The Committee APPROVED the following:

That the City of Hamilton ACCEPT the sum of \$119,370. as cash payment in lieu of 5% dedication in connection with "Lillian Heights - Phase 2", Hamilton, this being the cash requirement under Section 50 of The Planning Act.

NOTE: These lands are located west of Grayrocks Avenue and south of Rymal Road in the Broughton East Neighbourhood, Hamilton.

The Committee requested information on the status of the parkland dedication fund.

Second Level
Lodging Home
Programme
Application.

Refuse Containers,
Phase IV, Downtown
Action Plan.

Cash in lieu of
Parkland - "Lillian
Heights - Phase 2".

Status of Parkland
Fund.

The Director of Local Planning provided information on this matter and the Committee requested that a report on the status of the parkland dedication fund be forwarded to the Secretary in order that this information could be distributed to all Members of the Committee.

The Committee specifically requested information on the amount in the account in 1988, how much has been spent to date, how the money is invested and at what interest rate and the amount in the account this year.

Job Change -
Director of
Local Planning.

At this point in the meeting, it was indicated that Mr. Victor Abraham, Director of Local Planning will be moving over to the Regional Offices to assume the position of Director, Regional Planning Branch.

The Committee wished Mr. Abraham well and expressed their appreciation to him for his expertise and dedication over the years.

South leg of
King Street
between James &
John Streets.

The Committee was in receipt of a memorandum from the Secretary of the Transport and Environment Committee dated 1989 September 22 respecting the south leg of King Street between James and John Streets.

The Committee discussed this matter at some length and agreed that a full-staff report should be compiled on this matter and brought back to the Committee.

The Committee also indicated that there should be input on this matter from the B.I.A., the Engineering Department and that cost factor should be outlined with respect to this matter.

This matter was then referred to the Director of Traffic Services for a comprehensive report on this issue.

Proposed Draft
Plan of Condo-
minium - "Char-
Fill Building".

The Committee was in receipt of a report from the Commissioner, Planning and Development dated 1989 September 11 respecting proposed draft plan of condominium "Char-Fill Building" for property on the north side Bigwin Road, west of Pritchard Road.

The Committee APPROVED the following:

That APPROVAL be given for Proposed Draft Plan of Condominium Application SA-89-10, "Char-Fill Building", Filippo Ferrone, owner, to establish a draft plan of condominium located on the north side of Bigwin Road, west of Pritchard Road, subject to the following conditions:

- (a) That this approval apply to the plan prepared by Ashenhurst Nouwens Ltd. dated 1989 May 2.
- (b) That the owner agree in writing to satisfy all financial requirements of the Regional Municipality of Hamilton-Wentworth.

Proposed renaming
of part of
Cannon Street
West.

The Committee was in receipt of a report from the Commissioner, Planning and Development dated 1989 September 20 respecting the proposed renaming of a part of Cannon Street West from Bay Street, westerly to the intersection with York Boulevard and Queen Street North.

The Committee discussed this matter at some length and agreed TO TABLE this matter until such time as the ward Alderman, Alderman W. McCulloch, was at the meeting to speak to this matter.

The Committee was in receipt of a report from the Commissioner, Planning and Development dated 1989 September 19 respecting Proposed Draft Plan of Subdivision "Effort Gardens".

Proposed Draft Plan
of Subdivision
"Effort Gardens"

The Committee APPROVED the following:

That the approval given to Proposed Draft of Subdivision Application 88-21, by City Council at its meeting held 1989 June 27, BE REVISED to show a reduced road width of 18.0m for the cul-de-sac on the draft approved plan.

NOTE: This proposed plan of subdivision was approved by City Council at its meeting held 1989 June 27. The proposed draft plan was revised, as requested, by the Department of Engineering to show a 20.0m road width of the cul-de-sac.

The applicant appeared at the subsequent meeting of the Regional Economic Development and Planning Committee meeting held 1989

August 8, and requested that the road width of the cul-de-sac be changed to show a width of 18.0m.

The Economic Development and Planning Committee approved the subdivision with a reduced road allowance for the cul-de-sac but made this decision subject to the City of Hamilton considering and approving the reduced road width.

The Committee was in receipt of a report from the Commissioner, Planning and Development dated 1989 September 20 respecting Site Plan Control Application DA 89-67 for 158 condominium residential development at 1884 Main Street West.

Site Plan Control
Application
DA 89-67 - 1884
Main Street West.

The Committee APPROVED the following:

That APPROVAL be given to Site Plan Control Application DA 89-67, by McClure Community Homes Inc., owners of lands known as 1884 Main Street West for a 158 unit condominium residential development subject to the following:

- (a) Modification to the plans in relation to notes, dimensions, and limit of work fence, as marked in red on the plans.
- (b) Submission of revised vegetation plan for the earth work area in storm drainage plan to the satisfaction of the Hamilton Region Conservation Authority.
- (c) Provision of a note on the plan that the height of the building and the parking area may be adjusted on approval by the Committee of Adjustment for the following variances:
 - (i) One of the two buildings will have a height of 9 storeys instead of 8 storeys.
 - (ii) Surface parking spaces will have a raised portion provided a wheel stop, an overhang within the 6.0m parking space.

NOTE: Alderman Kiss opposed.

Zoning Applications

SA 89-06 - north
of Stone Church Rd.W.
and west of Chesley
St.

At this point the meeting adjourned and reconvened in the City Hall Council Chambers for the purpose of hearing zoning applications.

The Committee was in receipt of a report from the Commissioner, Planning Department dated 1989 September 19 respecting Proposed Draft Plan of Subdivision Application 89-06 for property north of Stone Church Road West and west of Chesley Street and Zoning Application 89-32 for property on the west side of Chesley Street in the area north of Stone Church Road.

The Committee APPROVED the following:

- (a) That APPROVAL be given to Proposed Draft Plan of Subdivision Application 89-06, L. Harbottle, owner, to establish a draft plan of subdivision north of Stone Church Road West and west of Chesley Street, subject to the following conditions:
 - (i) That this approval apply to the plan prepared by E. Barich dated 1989 March 10, revised by adding part of a bulb at the easterly corner of Street "A" and by deleting the lands of Lot 25, R. P. 947.
 - (ii) That the street be dedicated as a public highway on the final plan.
 - (iii) That the street be named to the satisfaction of the City of Hamilton and the Regional Municipality of Hamilton-Wentworth.
 - (iv) That the final plan conform with the Zoning By-law approved under The Planning Act.
 - (v) That such easements as may be required for utility or drainage purposes be granted to the appropriate authority.
 - (vi) That the owner make a cash payment in lieu of the conveyance of 5% of the land included in the plan to the City of Hamilton for park purposes.
 - (vii) That the owner provide the City of Hamilton with a certified list showing the net area and width of each lot and block in the final plan.
 - (viii) That Block "22", the 0.3m reserve be conveyed to the City of Hamilton.
 - (ix) That Blocks "17" to "21" inclusive be developed only in conjunction with adjacent lands.
 - (x) That Street "A" be established and align with the corresponding street on the draft approved plan of "Orchard Park Estates" (25T-88003).
 - (xi) That the plan not be registered prior to the acquisition by the owner of the northerly 20.0m of Lot 25, R.P. 947 or the establishment of the road by by-law as a public road.
 - (xii) That Lots 1 to 6 inclusive not be registered until the storm and sanitary sewers are available.
 - (xiii) That the owner shall erect a sign in accordance with Section XI of the subsequent Subdivision Agreement prior to the issuance of a final release by the City of Hamilton.
 - (xiv) That the owner agree in writing to satisfy all the requirements, financial and otherwise, of the City of Hamilton.

- (b) That a Subdivision Agreement BE ENTERED INTO by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Hamilton-Wentworth Region with respect to this application (SA-89-06), L. Harbottle, owner, and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal service has been approved by City Council.

That APPROVAL be given to Zoning Application 89-32, 642388 Ontario Inc. L. S. Harbottle, owner, to establish a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District to permit single-family residential development, for property located on the west side of Chesley Street in the area north of Stone Church Road, as shown on the map attached herewith and marked Appendix "D", on the following basis:

ZA 89-32 - west side of Chesley St. in the area north of Stone Church Rd.

- (a) That the subject lands be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District;
- (b) That the City Solicitor be directed to prepare a by-law to amend Zoning By-law No. 6593 and Zoning District Maps W-9c and W-17C for presentation to City Council; and,
- (c) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

NOTE: The purpose of the proposed By-law is to provide for a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District for lands located on the west side of Chesley Street in the area north of Stone Church Road.

The effect of the proposed change is to subdivide the subject land into building lots for single-family detached dwellings.

The Committee was in receipt of a report from the Commissioner, Planning and Development dated 1989 September 21 respecting Zoning Application 89-29 for property east and adjacent to 1686 Main Street West.

ZA 89-29 - east and adjacent to 1686 Main St. W.

The Committee APPROVED the following:

That APPROVAL be given to Zoning Application 89-29, Canadian National Institute for the Blind, lessee, for a further modification to the established "A" (Conservation, Open Space, Park and Recreation) District regulations (Block "1"), and a modification to the established "A" (Conservation, Open Space, Park and Recreation) District (Block "2"), to permit the use of the subject lands for additional parking for staff and visitors in conjunction with the Institute for the Blind, for a strip of land east and adjacent to 1686 Main Street West, as shown on the map attached herewith and marked Appendix "E", on the following basis:

- (a) That the "A" (Conservation, Open Space, Park and Recreation) District regulations as contained in Section 7 of Zoning By-law No. 6593 applicable to Blocks "1" and "2", be modified to include the following variances as a special requirement:
- (i) That notwithstanding Section 7(1), the parking of motor vehicles shall be permitted, only in conjunction with the Canadian Institute for the Blind located on adjoining lands to the west at 1686 Main Street West;
- (ii) That Sections 18A(11) and 18A(12) shall not apply;
- (b) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-395b, and that the subject lands on Zoning District Map W-46 be notated S-395b;

- (c) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-46 for presentation to City Council;
- (d) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

NOTE: The purpose of this By-law is to provide for a modification to the established "A" (Conservation, Open Space, Park and Recreation) District regulations, applicable to Blocks "1" and "2", described as property located east and adjacent to 1686 Main Street West.

The effect of the By-law is to permit a parking lot to be used only in conjunction with the Canadian National Institute for the Blind, located on adjoining lands to the west at 1686 Main Street West.

In addition, the By-law provides for a variance to exempt the parking lot from providing the required 1.5m wide landscaped planting strip, and required 1.2m high to 2.0m high visual barrier along the boundary of the parking lot which abuts a residential district.

ZA 89-41 -
905 Rymal Road
East.

The Committee was in receipt of a report from the Commissioner, Planning and Development dated 1989 September 21 respecting Zoning Application 89-41 for property at 905 Rymal Road East.

The Committee APPROVED the following:

That APPROVAL be given to Zoning Application 89-41, Landawn Shopping Centres, owner, for a modification to the established "G" (Neighbourhood Shopping Centre, etc.) District regulations to permit a shopping centre identification sign on property located at 905 Rymal Road East, as shown on the map attached herewith and marked Appendix "F", on the following basis:

- (a) That the "G" (Neighbourhood Shopping Centre, etc.) District regulations as contained in Section 13 of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following variances as special provisions:
 - (i) That notwithstanding the provisions of Section 13.(1) of Zoning By-law No. 6593, shopping centre identification signs shall be permitted in accordance with section 13A(1)(xii);
 - (ii) That notwithstanding the provisions of Section 13.(3) of Zoning By-law No. 6593, any shopping centre identification sign shall be set back a minimum of 3.0m from any street line;
 - (iii) That any shopping centre identification sign shall be set back a minimum of 3.0m from the nearest access driveway;
 - (iv) That any shopping centre identification sign shall have a minimum clear height of 3.0m from the ground to the bottom of the sign.
- (b) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1141, and that the subject lands on Zoning District Map E-49D be notated S-1141;
- (c) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-49D for presentation to City Council;
- (d) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

NOTE: The purpose of the By-law is to provide for a modification to the "G" (Neighbourhood Shopping Centre, etc.) District regulations, applicable to property located at 905 Rymal Road East.

The effect of the By-law is to permit shopping centre identification signs to be located on the site, subject to the following restrictions:

- (a) Any sign shall be located at a distance of not less than 3.0m from a street line or access driveway; and,
- (b) Any sign shall have a height of at least 3.0m from the ground to the bottom of the sign.

At this point in the meeting, Alderman Ross spoke to the Committee on concerns he was having at recent developers in his ward proceeding to build the ground works without a building permit.

Builders proceeding without building permit.

Alderman Ross requested that staff report back on how this type of occurrence can be stopped in order that developers are not forcing the City into issuing building permits and approving site plans as a result of the actions that have been taken by the developers in laying the ground work.

The Committee was in receipt of a report from the Commissioner, Planning and Development dated 1989 September 20 respecting Zoning Application 89-44 for property at 2846 King Street East.

ZA 89-44
- 2846 King St. E.

The report of the circularization was given as follows:

43 notices sent. 6 in favour. Zero opposed.

Mr. Norm Watson, agent for the applicant spoke to the Committee. The husband of one of the owners was also in attendance along with Mr. Watson.

Mr. Watson spoke to the Committee on the reasons for supporting the application and indicated that he disagrees on the heritage aspect of the building at 2846 King Street East.

The Committee then APPROVED the following:

- (A) That Zoning Application 89-44, Mouskos and E. Kountouris, owners, requesting changes in zoning from "AA" (Agricultural) District to "HH" (Restricted Community and Shopping Commercial) District, for Block "1", and from "AA" (Agricultural) District to "R-4" (Small Lot Single-Family Detached) District for Block "2", for the property located at 2846 King Street East, as shown on the map attached herewith and marked Appendix "G", BE DENIED IN PART, for the following reason:
 - (a) That the full range of commercial uses permitted under the "HH" District regulations conflicts with the recently approved Gershome Neighbourhood Plan, in that many of the uses are "highway oriented" and are not considered appropriate for the existing heritage building.
- (B) That APPROVAL be given to Official Plan Amendment No. 81 to create a "Special Policy Area" to limit the types of commercial uses within the existing building, and the City Solicitor be directed to prepare a by-law for adoption for submission to the Regional Municipality of Hamilton-Wentworth.
- (C) That APPROVAL be given to amended Zoning Application 89-44, H. Mouskos and E. Kountouris, owners, for a modification to the "AA" (Agricultural) District regulations (Block "1"), and a change in zoning from "AA" (Agricultural) District to "R-4" (Small Lot Single-Family Detached) District (Block "2"), to permit the conversion of the existing building for limited commercial uses (Block "1") and the construction of single-family dwellings (Block "2") for the property located at 2846 King Street East, as shown on the map attached herewith and marked Appendix "H", on the following basis:
 - (a) That Block "2" be rezoned from "AA" (Agricultural) District to "R-4" (Small Lot Single-Family Detached) District;

- (b) That the "AA" (Agricultural) District regulations as contained in Section 7A of Zoning By-law No. 6593, applicable to Block "1", be modified to include the following variances as special requirements:

and that notwithstanding Section 7A(1), the following uses shall be permitted:

(i) Commercial Uses only within the Existing Building:

- (1) funeral home;
- (2) pharmaceutical, chemical, physical or opticians lab;
- (3) retail stores;
- (4) business and professional person's offices, excluding medical and dental offices;
- (5) photographer's studio;
- (6) barber shop, hairdresser;
- (7) shoe shine parlour;
- (8) caterer's shop;
- (9) other personal service shops;
- (10) tailor's shop, dressmakers establishment;
- (11) shoe repair shop;
- (12) wearing apparel shop; and,
- (13) restaurant without entertainment.

(ii) Institutional Use only within the Existing Building:

- (1) Day Nursery.

(iii) Accessory Use:

- (1) One ground sign, wall sign, or projection sign having an area of not more than 0.4m² non-illuminated or non-flashing indirect or interior means only, located at least 1.5m from the nearest street line in connection with the commercial use.

- (c) That the amending By-law be added to Section 19B of Zoning By-law No. 6593, as Schedule S-1142, and that the subject lands on Zoning District Map E-106 be notated S-1142;
- (d) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-106 for presentation to City Council;
- (e) That the proposed change in zoning will be in conformity with the Official Plan for the Hamilton Planning Area upon the approval of Official Plan Amendment No. 81 by the Regional Municipality of Hamilton-Wentworth.
- (D) That By-law No. 79-275 as amended by By-law No. 87-223 establishing Site Plan Control ~~BE AMENDED~~ by adding the lands shown as Block "1" to Schedule "A".

NOTE: The purpose of the By-law is to provide for changes in zoning for the property located at 2846 King Street East, on the following basis:

- (a) Block "1" - Modification to the "AA" (Agricultural) District regulations; and,
- (b) Block "2" - Change in zoning from "AA" (Agricultural) District to "R-4" (Small Lot Single-Family Detached) District.

The effect of the By-law is to permit the future development of Block "2" for a small lot single-family dwellings, and the conversion of the existing building on Block "1", for the above-noted uses:

The Committee was in receipt of a report from the Commissioner, Planning and Development dated 1989 September 18 respecting Zoning Application 89-50 for property at 139 Cannon Street East.

Report of the circularization was given as follows:

202 notices sent. 9 in favour. 1 opposed.

Mrs. Stella Frittin, 136 Cannon Street East spoke to the Committee on her concerns. She indicated that the noise level is very high from the present occupants of the building. She also indicated that she disputes the uses given of the building in the past and indicated that it has had numerous uses.

Mrs. Frittin also cited parking as a major problem in that area and that many of the surrounding buildings i.e. Fire Department, Police Department etc. use the streets for parking. She added that she has lived in this area for 50 years. Mrs. Frittin also indicated that she questioned the use in the building and does not want an auto body workshop in there.

Mr. Fred Lee, representing Mr. Maurice Carter, who was also in attendance and is the applicant for this application spoke to the Committee on this matter. Following some questions by the Committee, Mr. Carter spoke and indicated that he cannot guarantee that body work shop will not be placed into this building once the building is sold.

Mr. Lee indicated that Mr. Carter has offered to assist with parking at his own facility on Cannon Street for this particular property.

The Committee then **APPROVED** the Zoning Application.

Mr. Lee spoke to the Committee with respect to one aspect of the recommendation of staff regarding the encroachment agreement. Mr. Lee advised the Committee that he has made application for this agreement but has been advised that due to a work backlog that approval for this agreement would be some months before being approved. Mr. Lee asked if some arrangements could be made in order that the by-law could be processed.

The Committee agreed that a letter of undertaking from the applicant that an application as been made for an encroachment agreement with the City with is acceptable and directed that the staff recommendation be amended accordingly.

The Committee then **APPROVED** the following amended recommendation with respect to this application.

- (a) That **APPROVAL** be given to amended Zoning Application 89-50, Maurice Charles Carter, owner, requesting a change in zoning from "J" (Light and Limited Heavy Industry, etc.) District, modified, to "H" (Community and Shopping and Commercial, etc.) District, to permit the use of the subject lands for automobile sales and service, for the property located at 139 Cannon Street East, as shown on the map attached herewith and marked Appendix "I", on the following basis:
 - (i) That the subject lands be rezoned from "J" (Light and Limited Heavy Industry, etc.) District, modified, to "H" (Community Shopping and Commercial, etc.) District;
 - (ii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-4 for presentation to City Council;
 - (iii) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.
- (b) That the City Solicitor **ACCEPT** a letter of undertaking from Maurice Charles Carter, owner of the property at 139 Cannon Street East, that an application has been made to enter into an encroachment agreement with the City for the existing building.

ZA 89-50 -
139 Cannon St. E.

NOTE: The purpose of this By-law is to provide for a change in zoning from "J" (Light and Limited Heavy Industry, etc.) District to "H" (Community Shopping and Commercial, etc.) District for the property located at 139 Cannon Street East.

The effect of this By-law is to permit the use of the subject lands for automobile sales and service.

ZA 89-53 -
north and west
of property at
549 Stone Church
Road East.

The Committee was in receipt of a report from the Commissioner, Planning and Development dated 1989 September 20 respecting Zoning Application 89-53 for property to the north and west of property at 549 Stone Church Road East.

The Committee was in receipt of a letter of submission from Ms. J. Little, 570 Stone Church Road East.

Mr. George Barclay of Hamilton General Homes spoke to this matter and indicated that past objections to a restaurant use at the property of 549 Stone Church Road was to a fast food outlet. He added that he feels that a restaurant is the most suitable use for this house and that a fine dining restaurant would be much more conducive to this location than a fast food outlet.

Alderman Merling expressed his opposition to a restaurant being allowed in this building.

Considerable discussion ensued on this matter and the Committee **APPROVED** the following:

That **APPROVAL** be given to amended Zoning Application 89-53, Boyago Realty Limited, prospective owner, for a change in zoning from "AA" (Agricultural) District to "G-4" (Designed Neighbourhood Shopping Area) District, modified to permit a neighbourhood shopping plaza in conjunction with the adjacent land to the north and west, for property located at 549 Stone Church Road East, as shown on the map attached herewith and marked **Appendix "J"**, on the following basis:

- (a) That the subject land be rezoned from "AA" (Agricultural) District to "G-4" (Designed Neighbourhood Shopping Area) District;
- (b) That the "G-4" (Designed Neighbourhood Shopping Area) District regulations contained in Section 13D of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following variances as special requirements:
 - (i) That notwithstanding Section 13D(1)(B)(iv) of By-law No. 6593, a restaurant shall be permitted only within the existing building located at 549 Stone Church Road East;
 - (ii) That Section 13D(5) shall not apply.
- (c) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1143 and that the subject lands on Zoning District Map E-27C be notated S-1143;
- (d) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-27C for presentation to City Council;
- (e) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area; and,
- (f) That the approved Rushdale Neighbourhood Plan be amended by redesignating the subject lands to "Commercial".

NOTE: The purpose of the application is to provide for a change in zoning from "AA" (Agricultural) District to "G-4" (Designed Neighbourhood Shopping Area) District for property located at 549 Stone Church Road East.

The purpose of the proposed By-law is to permit development of the subject land for a neighbourhood shopping plaza in conjunction with the adjacent land to the north and west. In addition, the By-law provides for the following variances as special requirements:

- (a) To permit a restaurant only within the existing stone house at 549 Stone Church Road East;
- (b) The provisions for maximum lot depth and maximum lot area shall not apply.

NOTE: Alderman Merling opposed.

The Committee was in receipt of a report from the Commissioner, Planning and Development dated 1989 September 20 respecting Zoning Application 89-67 for property at 18 Main Street East.

ZA 89-67 -
18 Main St. E.

The Committee APPROVED the following:

That APPROVAL be given to Zoning Application 89-67, DeSantis Group Inc., prospective owner, requesting a modification to the "I" (Central Business District, etc.) District regulations, to permit the construction of a 13 storey mixed residential/commercial building containing approximately 3,100m² of commercial and office space, 72 apartment units and 275 public parking spaces, for the property located at 18 Main Street East, as shown on the map attached herewith and marked Appendix "K", on the following basis:

- (a) That the "I" (Central Business District, etc.) District regulations, as contained in Section 15 of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following variances as special requirements:
 - (i) That notwithstanding Section 15.(3)(iii)(b), a minimum rear yard of 4.5m shall be provided and maintained;
 - (ii) That notwithstanding Section 15.(4)(iii), a multiple dwelling having a maximum of 72 dwelling units shall be permitted;
 - (iii) That notwithstanding Section 18A.(1)(c) one loading space having a minimum dimension of 9.0m x 3.7m x 4.3m shall be provided and maintained;
 - (iv) That notwithstanding Section 18A.(1)(d), one loading space having a minimum dimensions of 9.0m x 2.6m x 4.3m shall be provided and maintained;
 - (v) That notwithstanding Section 18A.(7), nine of the required parking spaces shall have minimum dimensions of 2.6m x 5.0m and 324 parking spaces shall have minimum dimensions of 2.6m x 5.89m;
 - (vi) That notwithstanding Section 18A.(9) and 18A.(1)(f) Table 6, the manoeuvring space for five parking spaces shall be located off-site;
 - (vii) That notwithstanding Section 18A.(20)(a)(ii), the required residential visitor parking will be located within the area designated for commercial parking spaces.

- (b) That the amending By-law be added to Section 198 of Zoning By-law No. 6593 as Schedule S-1144, and that the subject lands on Zoning District Maps E-4 and E-5 be notated S-1144;
- (c) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Maps E-4 and E-5 for presentation to City Council;
- (d) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.
- (e) That the Corktown Neighbourhood Plan be amended by redesignating the subject lands from "Commercial" to "Commercial and Apartments".

NOTE: The purpose of this By-law is to provide for a modification to the "I" (Central Business District, etc.) District regulations, for the property located at 18 Main Street East.

The effect of this By-law is to permit the construction of a 13 storey mixed residential/commercial building containing approximately 3,100m² of commercial and office space (ground and 7th floor), 72 apartment units (from the 8th to the 13th floors) and 275 public parking spaces (from the 2nd to the 6th floors).

In addition, the By-law provides for the following variances, to permit:

- (a) A rear yard of 4.5m instead of the required 7.5m;
- (b) 72 apartment units instead of the legally permitted 30 units;
- (c) One small residential loading space (9.0m x 3.7m x 4.3m) instead of providing one large loading space (18.0m x 3.7m x 4.3m);
- (d) One commercial loading space having a dimension of 9.0m x 2.6m x 4.3m instead of providing two loading spaces having dimensions of 18.0m x 3.7m x 4.3m.
- (e) Nine parking spaces to have dimensions of 2.6m x 5.0m, and 324 parking spaces to have dimensions of 2.6m x 5.89m, instead of the required 2.6m x 6.0m.
- (f) The manoeuvring area for 5 parking spaces to be located off-site; and,
- (g) The residential visitor parking in the commercial parking area.

Adjournment.

There being no further business, the meeting then adjourned.

Taken as read and approved.

ALDERMAN J. SMITH, CHAIRMAN
PLANNING AND DEVELOPMENT COMMITTEE

Mrs. Susan K. Reeder, Secretary
1989 September 27

Typed by M. J. Walton

FOR ACTION

3.


REPORT TO: Mrs. S. K. Reeder
Secretary, Planning and Development Committee

FROM: Mr. L. King
Building Commissioner

DATE: 1989 October 27
COMM FILE:
DEPT FILE: 89.5.10

SUBJECT: Provision of Computer Workstations in the Building Department

RECOMMENDATION:

- 
- (a) That the Building Department, in conjunction with Information Systems, be authorized to obtain 15 additional computer workstations.
 - (b) That the estimated leasing cost of \$2250.00 for a possible one month in 1989 be funded from overall savings in the department in the salary accounts due to delayed hiring.
 - (c) That the estimated annual leasing costs of \$27,000.00 be placed in the 1990 budget of this department and an equal offsetting amount be shown as a reduction to staffing costs accounts or other accounts where a saving can be demonstrated due to productivity improvements.

FINANCIAL IMPLICATIONS: (IF NONE, STATE N/A)

- (1) No additional funds are requested for 1989 due to a savings in the department's accounts.
- (2) The **ANNUALIZED** costs of this equipment will be provided by reducing the 1990 budget request for staffing costs or other cost savings due to productivity improvements by at least as much as the equipment lease costs for the year.

BACKGROUND:

The utilization of computer technology can be considered as one alternative means of improving productivity, service, and the timeliness and quality of information or any combination thereof.

Microcomputer workstation technology may be considered to improve productivity, service and quality. It is generally accepted that the use of a microcomputer workstation by a trained operator for wordprocessing or spreadsheet work results in a 20% to 30% increase in productivity as well as reduced turnaround time and higher document quality (spelling, grammar and printing).

In addition, services are now available to improve Building Code administration. On-line services are available to provide information on available construction materials. Both the Ontario Building Code and National Building Code are available in computer form. These programs assist Building Code users in the interpretation of the Building Code as well as making Building Code Commission decisions and Ontario Buildings Branch's opinions readily available. The ability to access these programs would enable the department to provide better service to the public.

Better software is now available to assist in managing a Building Department, i.e. systems to track building permit applications, to speed up the processing of permits, the typing of orders and the tracking of general performance. The Building Department should utilize the technology presently available to better serve the public, and at the same time, control costs.

c.c. Mr. Lou Sage
Chief Administrative Officer
c.c. Mr. E.C. Matthews
City Treasurer
c.c. Mr. J.G. Hindson, P. Eng.
Director of Information Systems

FOR ACTION

4.

REPORT TO: Mrs. S. K. Reeder
Secretary, Planning and Development Committee

FROM: Mr. E. W. Kowalski
Director of Community Development

DATE: 1989 Oct 20
DEPT FILE: 800-0613

SUBJECT: CENTRAL/BEASLEY PROGRAMME FOR RENEWAL IMPROVEMENT DEVELOPMENT
AND ECONOMIC REVITALIZATION (P.R.I.D.E.);
1990-1994 CAPITAL BUDGET

RECOMMENDATION:

That, provision be made in the 1990-1994 Capital Budget for the implementation of P.R.I.D.E. in the Central/Beasley Neighbourhoods at a gross cost of \$800,000 (\$400,000 Municipal, \$400,000 Provincial).

FINANCIAL IMPLICATIONS: (IF NONE, STATE N/A)

The maximum Provincial allocation is \$400,000. which must be matched by a Municipal Commitment of \$400,000. giving a total project cost of \$800,000. over the next three (3) years.

BACKGROUND:

This recommendation is forwarded to the Planning and Development Committee members to reaffirm previously approved recommendations for inclusion of this item in the 1989-1993 Capital Budget. Central/Beasley Neighbourhoods are the next priority community improvement project areas for the purpose of implementing P.R.I.D.E. as identified by the Parks Expenditure Policy. Improvements will include development and redevelopment of parks, social services and recreational facilities, hard and soft services in residential, commercial and industrial areas. Application is to be made to the Ministry of Municipal Affairs by December 01, 1989.

cc: Brian Hotrum, Supervisor/Accounts Payable, Treasury Department
Bob Prowse, Secretary, Parks & Recreation

City of Hamilton
Treasury

1990-1994 CAPITAL BUDGET
INDIVIDUAL CAPITAL PROJECT SUBMISSION FORM

1. DEPARTMENT/LOCAL BOARD: Community Development
2. (a) PROJECT NUMBER: _____
(b) PROJECT NAME: Beasley/Central PRIDE Programme (Programme for Renewal Improvement, Development and Economic Revitalization)
3. DETAILED DESCRIPTION, STATING PURPOSE, TYPE OF PROJECT, LOCATION, ETC.:
Renewal of both "hard" and "soft". Municipal infrastructure within the next priority residential neighbourhood; the ranking of which was established by the Parks Sub-Committee. A review of the commercial and industrial needs of the neighbourhood will be undertaken since these concerns are also eligible under PRIDE.
4. (a) PROJECT STARTING DATE: 1990
(b) PROJECT FINISHING DATE: 1992
(c) YEAR ONTARIO MUNICIPAL BOARD APPROVAL REQUIRED: 1990
5. (a) GROSS COST OF PROJECT
IN YEAR-OF-START DOLLARS: \$ 800,000.
(b) LESS SUBSIDIES AND OTHER RECEIPTS: \$ 400,000 (Min. of Municipal Affairs)
(c) NET CITY'S COST: \$ 400,000 (PRIDE)
- | | | NO. OF PERSON
YEARS CREATED | |
|--------|---------------------------------------|--------------------------------|-----------|
| 6. (a) | YEAR OF EXPENDITURE - 1990 | \$ <u>50,000.</u> | <u>1</u> |
| | - 1991 | \$ <u>250,000.</u> | <u>7</u> |
| | - 1992 | \$ <u>100,000.</u> | <u>3</u> |
| | - 1993 | \$ _____ | _____ |
| | - 1994 | \$ _____ | _____ |
| | - 1995 & after | \$ _____ | _____ |
| (b) | TOTAL NUMBER OF PERSON YEARS CREATED: | | <u>11</u> |
7. ADDITIONAL JOBS TO BE CREATED BY THE PROJECT: 40
8. ADDITIONAL ANNUAL OPERATING COST: \$ 12,000.
9. EFFECT OF REDUCTION IN COST, DELAY OR ELIMINATION OF THIS PROJECT:
Further deterioration of the Neighbourhood's social and recreational facilities. Priority-One-Park remains undeveloped in neighbourhoods encompassing a major part of the Central business district and in close proximity to the Waterfront.
10. WAS THIS PROJECT IN LAST YEAR'S APPROVED CAPITAL BUDGET?
NO ☐ YES ☒ - AT CITY'S COST OF \$ 400,000.
- SCHEDULED TO START IN THE YEAR 1990

Signature of Department Head/Local
Board Manager
(for Standing Committee)

Signature of C.A.O.
(for Executive Committee)

Date

Date

FOR ACTION

5.

REPORT TO: Mrs. S. Reeder, Secretary
Planning & Development Committee

FROM: Mr. E. W. Kowalski, Director
Community Development Department

DATE: 1989 October 19
DEPT FILE: 800-0613

SUBJECT: 1990-1994 Capital Budget

RECOMMENDATION:

That the Department of Community Development be authorized to include in the 1990-1994 Capital Budget, an amount of \$800,000. for the implementation of a Residential Conversion Loan Programme for Barton Street.

E. W. Kowalski 10-19-89

FINANCIAL IMPLICATIONS: (IF NONE, STATE N/A)

See attached

BACKGROUND:

The Department of Community Development is presently developing a strategy for Barton Street Improvement. This proposed programme will be part of the Housing Agreement presently being negotiated with the Province. There are still several pending items which should be resolved by late November. The Department will then proceed with a full report, including a recommendation to the Planning and Development Committee and City Council.

The Department however, because of budget requirements, must submit the Capital Budget before all items included in the Agreement have been finalized. The Department is recommending that an amount of \$800,000. be included in the 1990-1994 Capital Budget for the establishment of a loan programme to augment the existing Provincial Government's Convert-to-Rent Programme. As the Committee is aware, many of the stores located on Barton Street are vacant, including unused space on the second and third floors. We propose that this space be converted, where practical, for residential purposes.

We have been able to determine that the present Convert-to-Rent Programme does not provide the incentive necessary for conversion on Barton Street. The main reason for this is the complexity of the Programme, and the inability of owners to obtain the additional funding from conventional sources.

The Department is therefore proposing a loan programme to provide the necessary incentive to encourage conversion. It is proposed that the City provide loans at 6% interest amortized over a ten year period. The maximum to be provided to any one owner would be \$15,000. per unit, to a maximum of \$50,000. per

...../2

owner. The loans would be secured by a Lien registered on title, and each loan would be approved by the Planning and Development Committee. All money collected under the repayment would be used to continue the Programme.

It is also proposed that in the first year the implementation be limited to the immediate area of the Barton Street Business Improvement Area. It is acknowledged that there will be zoning problems, but these will be handled on a one-to-one basis. We also propose to work closely with the Business Improvement Area and the local Alderman, to ensure neighbourhood acceptance of the Programme.

The Department will of course be preparing a full report for the Committee concerning the Programme prior to implementation. The Department therefore recommends the Capital Budget financing of \$800,000.; \$200,000. in 1990, \$300,000. in 1991 and \$300,000 in 1992. It should be noted that although this must be funded under the Capital Budget, the City will be receiving all the Capital back plus an additional 6%. There will of course be a loss, as the cost of borrowing for the City is more than 6%.

City of Hamilton
Treasury

1990-1994 CAPITAL BUDGET
INDIVIDUAL CAPITAL PROJECT SUBMISSION FORM

1. DEPARTMENT/LOCAL BOARD: Department of Community Development
2. (a) PROJECT NUMBER: _____
(b) PROJECT NAME: Barton Street Demonstration Loan Programme
3. DETAILED DESCRIPTION, STATING PURPOSE, TYPE OF PROJECT, LOCATION, ETC.:
To provide low interest loans to owners of properties located on Barton
Street to rehabilitate or convert existing space for residential purposes.
Funds will be used to supplement the Provincial Government's Low Rise
and Convert-to-Rent Programmes. Money to be lent at 6%, amortized over
10 years. Money to be recycled.
4. (a) PROJECT STARTING DATE: 1990
(b) PROJECT FINISHING DATE: 1993
(c) YEAR ONTARIO MUNICIPAL BOARD APPROVAL REQUIRED: 1990
5. (a) GROSS COST OF PROJECT
IN YEAR-OF-START DOLLARS: \$ 800,000.
(b) LESS SUBSIDIES AND OTHER RECEIPTS: \$ _____
(c) NET CITY'S COST: \$ 800,000.
*Repayable net cost would be subsidy of
loan writedown (ie. 12% - 6%)
- NO. OF PERSON
YEARS CREATED
6. (a) YEAR OF EXPENDITURE - 1990 \$ 200,000.
- 1991 \$ 300,000.
- 1992 \$ 300,000.
- 1993 \$ _____
- 1994 \$ _____
- 1995 & after \$ _____
(b) TOTAL NUMBER OF PERSON YEARS CREATED: _____
7. ADDITIONAL JOBS TO BE CREATED BY THE PROJECT: 40
8. ADDITIONAL ANNUAL OPERATING COST: \$ Nil
9. EFFECT OF REDUCTION IN COST, DELAY OR ELIMINATION OF THIS PROJECT:
- Continued deterioration of Barton Street.
- Potential loss of Affordable Housing Stock.
10. WAS THIS PROJECT IN LAST YEAR'S APPROVED CAPITAL BUDGET?
NO ☒ YES ☐ - AT CITY'S COST OF \$ _____
- SCHEDULED TO START IN THE YEAR _____

Signature of Department Head/Local
Board Manager
(for Standing Committee)

Signature of C.A.O.
(for Executive Committee)

Date

Date

FOR ACTION

6.

REPORT TO: Mrs. Susan Reeder, Secretary
Planning and Development Committee

FROM: Mr. E. W. Kowalski
Director of Community Development

DATE: 1989 October 25
COMM FILE:
DEPT FILE: 800-0602

SUBJECT: Treatment of Blank Walls in the
Downtown Action Plan Area

RECOMMENDATION:

That the Planning and Development Department be requested to include in their Terms of Reference for "The Review Of Buffering To Parking Lots", a means of addressing the aesthetics of blank walls created by building demolitions in the Downtown Action Plan Area.

FINANCIAL IMPLICATIONS: (IF NONE, STATE N/A)

N/A

E. W. Kowalski
per Plach

BACKGROUND:

At the request of the Downtown Action Plan Co-ordinating Committee (DAPCOM), the Planning and Development Department passed a recommendation dealing with "Buffering and Pedestrian Safety Around Downtown Parking Lots" (passed 1989 June 14 report attached).

One of the main concerns of the DAPCOM Members (as previously stated) is the temporary use of lands downtown for parking while in a state of transition to a higher use.

This is due to the demolition of buildings, leaving blank walls adjacent to the demolition site. The demolition process might be the appropriate time to include recommendations/regulations for aesthetic improvements until a higher use is implemented.

cc: Mr. A. Georgieff, Division Head, Policy Neighbourhood Planning
Planning and Development Department

FOR INFORMATION

7.

REPORT TO: Mrs. S. K. Reeder
Secretary, Planning and Development Committee

FROM: Mr. E. W. Kowalski
Director of Community Development

DATE: 1989 October 25
COMM FILE:
DEPT FILE: 800-0220.4

SUBJECT: Kirkendall-Strathcona Neighbourhood
Improvement Programme (N.I.P.);
Wesley Urban Ministries,
Provision of Services as Outlined
in the Agreement with the City of Hamilton

BACKGROUND:

The Planning and Development Committee, at it's meeting held 1989 August 16 requested that the Community Development Department report on the Wesley Urban Ministries' proposal to modify the services it provides. The following information will provide some clarification.

A Legal Agreement dated 1981 July 27 between the Corporation of the City of Hamilton and Wesley Urban Ministries was prepared and signed, outlining a number of social, recreational and community services that must be provided. These are daycare, information and referral services, counselling services, welfare advocacy, income tax clinic, emergency welfare assistance, community development, senior citizens services and programs, social, recreational and self-help groups for adults and children and, services for cultural enrichment and adjustment. This Agreement is in effect until 1990 December 31.

On 1989 September 06 the Department of Community Development received two letters from Birgitt Bolton, the Executive Director for Wesley Urban Ministries. The first letter advises that the Neighbourhood House will become a Multi-Service Centre for ethnic people. This is not to say that the services described in the Legal Agreement will no longer be provided but, that there will be an extension of these services to allow for better access by people with language barriers. Please see the "Executive Summary of the Needs Assessment of the Kirkendall Strathcona Neighbourhoods".

The second letter, also dated 1989 September 06, advises that Wesley Urban Ministries is taking over another community centre at 155 Queen Street North in a large apartment building. This is presently run by Kiwanis Homes and funded by the Ministry of Housing. Funding will not be renewed as of 1990 January.

The Ministry of Community and Social Services presently provides funding for two of the children's programs but there is no other funding being made available for the rest of the centre. Ms. Bolton, Author of the letter, requests the financial support of the City of Hamilton to run this community centre.

Perhaps this matter should also be referred to the Regional Health & Social Services Committee for their deliberation.

cc: His Worship Mayor R. Morrow

 Alderman T. Cooke, Ward One

 Alderman M. Kiss, Ward One

 Alderman V. Agro, Ward Two

 Alderman Wm. McCulloch, Ward Two

 Mr. L. Sage, Chief Administrative Officer
 C.A.O.'s Office



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KIRKENDALL STRATHCONA
NEIGHBOURHOOD HOUSE
210 Napier St., Hamilton
L8R 1S7 (416) 528-8485

September 06, 1989

Ms. Jacqueline McNeilly
Community Development
c/o CITY HALL
71 Main St. West
Hamilton, Ontario
L8P 1H4

RE: Kirkendall Strathcona Neighbourhood House serving Wards 1 & 2

Dear Ms. McNeilly:

It has been some time since we reported to you concerning the Neighbourhood House (December, 1987). You may recall that a meeting was held in the Mayor's office at that time to consider the future of the Neighbourhood House which was draining funds from Wesley Urban Ministries that were needed to provide our services in the urban core to the homeless.

At that time, the best idea was to explore the possibility of transforming the Neighbourhood House into a Multi-Service Centre copying the Ottawa model.

The year 1988 was spent doing a needs assessment of the Strathcona and Kirkendall North neighbourhoods. Much activity, albeit little success with funding, has been undertaken to date in 1989 resulting in health, social and educational services, and recreational services being provided at the Neighbourhood House. This is the beginning of our multi-service centre for ethnic people who have had difficult accessing services heretofore. All services provided are accessible in the language of origin of the person. If our many applications for funding are successful, the funding of these services by government would free Wesley Urban Ministries to provide increased support to the homeless of our City.

I have attached a copy of the executive summary to the needs assessment for your perusal with a request for your support. On behalf of the residents of the Kirkendall North and Strathcona Neighbourhoods, I thank you for your support to date. A copy of the entire needs assessment is available on request.

Sincerely,

BB-

Birgitt Bolton
Executive Director

BB/pl

WESLEY URBAN MINISTRIES

EXECUTIVE SUMMARY OF:

NEEDS ASSESSMENT OF THE KIRKENDALL STRATHCONA NEIGHBOURHOODS

BACKGROUND

This report is a result of the concern of Wesley Urban Ministries for the residents of the Kirkendall north and Strathcona Neighbourhoods who have difficulty accessing Health, Social Services, and Recreational opportunities because of language and cultural barriers and because many of the working poor and seniors cannot afford the services. They also have difficulty accessing services because of illiteracy and because of their fear of the system. At a meeting in December 1987 between the Board of Wesley Urban Ministries, local politicians and senior staff of the Region and the City it was agreed that Wesley Urban Ministries consider operating the Neighbourhood House as a multi-service centre following the model that had been developed in Ottawa. The multi-service centre would house HEALTH, SOCIAL AND RECREATIONAL services to meet the needs of the neighbourhoods. The people of the neighborhood would have access to all of these services in one location and in a manner that would reduce the cultural and language barriers, thus helping them to access needed services. The bulk of the funding would be requested of the province as is the case in Ottawa.

METHODOLOGY

Under the direction of staff of the Social Planning and Research Council, three target groups for the research were chosen: 1) service providers to the residents of the Kirkendall Strathcona Neighborhoods, 2) informal key informants (those in the neighborhood who could represent the interests of groups of residents, 3) users of the Neighborhood House. The service providers were sent a questionnaire which had been pretested. The informal key informants were interviewed with a view to having nine pre-selected questions answered. The users of the centre filled out a short questionnaire, translated into their language of origin.

SUMMARY OF KEY FINDINGS

1. Common themes were generated from the three target groups in the study. These themes focused on the provision of social services recreational services, and educational services from Kirkendall Strathcona Neighborhood House.

- 1.2 At the initiation of the advisory committee, a grant was made to the North End Community Health Clinic to provide up to \$14,000 doctor's time at Kirkendall Strathcona Neighborhood House. This will begin on a half day a week basis Sept/89, with a doctor from the Clinic.
- 1.3 A local doctor who is culturally sensitive to the ethnic community of these neighborhoods is willing on a fee for Service basis to provide an additional half day a week service at Kirkendall Strathcona Neighbourhood House.
- 1.4 A public health nurse has been providing her consultation services to the community on a half day a week basis since Apr/89.

2. Social Services

- 2.1 Most of the social services identified in the needs assessment are exactly those services offered now by the K.S.N.H. ethnic community outreach workers. In March 1989, the Region gave a first time grant of \$17,000 towards the cost of this work. Applications for funding from the Ministry of Citizenship and the Ministry of Community and Social Services were made for this work in Feb/89, with no results to date.
- 2.2 The Ministry of Citizenship granted \$12,000 for the 89/90 year for leadership development work in the community, resulting in the hiring of a part-time worker for this purpose. We have successfully been working with a group of Italian seniors, a group of Portuguese seniors, and a younger Hispanic group in their own languages. From this work has emerged key people from the community who in turn will help us work with others. Two advisory committees to the Board of Wesley Urban Ministries have been formed from the residents of the neighborhoods.
- 2.3 The Ministry of Community and Social Services granted funding for a half time senior home support worker in Apr/89 who has been working with shut-in ethnic seniors in the neighborhoods.

3. Recreation

- 3.1 Programs for special needs (behavior problem) children continue during school breaks with funds solicited through donations.
- 3.2 After school and school break programs are offered to the neighborhood children. These also are currently funded by donations.
- 3.3 The seniors of the community, with the assistance of our staff, have formed a club with over 300 members. In May '89 they were awarded a \$32,000 New Horizons grant. Most of the lower floor of

- 3.4 Programs for the teens of the neighborhoods are held once a week as funding through donations allows.
- 3.5 All other recreational activities are at a standstill because of lack of funding. For this fiscal year, we were unsuccessful in obtaining funds for recreational from the City of Hamilton.

Education

- 4.1 Mohawk College is conducting on-site English as a Second Language classes.
- 4.2 St. Charles Outreach is providing literacy classes when enough people are registered.
- 4.3 Wesley Urban Ministries multicultural staff provide Citizenship classes.

RECOMMENDATIONS

1. For Wesley Urban Ministries to continue in its efforts to transform the Kirkendall Strathcona Neighborhood House into a Multi-Service Centre for the "neighborhoods Kirkendall North & Strathcona and to incorporate health services, social services, recreational services, and educational services that are culturally sensitive to the ethnic mix of the neighborhoods and to meet the needs identified in this study.
2. For the District Health Council to continue to monitor the use of the services at Kirkendall Strathcona Neighborhood House through its Community Health Planning Steering Committee to determine its effectiveness and usefulness to the community with a view to recommending termination or expansion of the service.
3. If recommendation for expansion of health services emerges because of demand of services, for Wesley Urban Ministries to ask the Regional Health and Social Services Committee to write a letter of support for the health component of the multi-service centre to the Ministry of Health.
4. For Wesley Urban Ministries to request the support of the Regional Health and Social Services Committee for this Multi-Service Centre as an important pilot project in the social and health service network in Hamilton-Wentworth.

5. To request of the Regional Health and Social Services Committee a letter of support for this Centre sent to the Ministry of Citizenship, the Ministry of Community & Social Services, and the City of Hamilton.
6. For the Regional Health and Social Services Committee to support financially the multi-cultural work at the Neighborhood House through its permissive grant process. This support would be a demonstration of community support, thereby giving weight to negotiations for funding at the Provincial level.
7. For the City of Hamilton to financially support the recreation component of the centre.

BIRGITT BOLTON
EXECUTIVE DIRECTOR

BB/pl

30/08/89



(2)

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KIRKENDALL STRATHCONA
NEIGHBOURHOOD HOUSE
210 Napier St., Hamilton
L8R 1S7 (416) 528-8485

September 06, 1989

Ms. Jacqueline McNeilly
Community Development
c/o CITY HALL
71 Main St. West
Hamilton, Ontario
L8P 1H4

Dear Ms. McNeilly:

It is anticipated that Wesley Urban Ministries will assume the operation of the Community Centre at 155 Queen St. North during October, 1989 with a view to establishing it as a multi-service centre for the residents specifically of 155 Queen, 40 Oxford, and immediate neighbourhood.

We enter into this project with great trepidation. The needs of the residents are basically unknown. We do know there is difficulty in accessing most services because of language and cultural barriers. We know there is a great deal of domestic violence. We know that some of the ethnic young people are operating in gangs and that they have brought hatred with them from their countries of origin. Further, the residents of this area have basically been ignored by most of us because we don't know where to begin to help them.

The Ministry of Housing will pull its funding out of the community centre as at January 1990 because this service is not within its mandate. The Ministry of Community and Social Services currently funds two children's programs in the centre, but there is no funding base for the other services, or expanded services that are needed.

I write to ask for your support and would be pleased to meet with you should you be interested in discussing this endeavour further. Enclosed please find a copy of our most recent annual report which will explain the work of Wesley Urban Ministries and a copy of our proposal to Victoria Park Community Homes with whom we are entering into a lease agreement for the community centre. Any suggestions you might have for funding of this very much needed project would be appreciated.

Sincerely,

BB

Birgitt Bolton
Executive Director

cc: Charlie Scott, Wesley Urban Ministries, Chairman



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Proposal

Re: V.P.C.H. Community Centre

From
Wesley Urban Ministries

To ensure a better quality of service to the tenants of V.P.C.H., Wesley Urban Ministries proposes to transform the Community Centre into a Multi Service Centre that will provide social services, health services and recreational services all under one roof in accordance with the model developed in Ottawa. (see reference manual). As well as being a model that ensures an effective and efficient mode of service delivery, most of the services provided within this model rely heavily on Provincial funding. Extensive provincial funding for a multi service centre has been the experience both in Ottawa and Toronto.

Our proposal is to transform the existing facility into a multi service centre. In so doing, we will be engaged in a pilot project for the Region of Hamilton-Wentworth to determine if the model is one which would be beneficial to the delivery of services in our Region. This will also be a study of the most efficient and effective way to offer services to the ethnic community, in that many of the people in these neighborhoods do not speak English and hence have a great deal of difficulty accessing the health and social service systems.

Birgitt
Birgitt Bolton

Executive Director,
Wesley Urban Ministries
July 12, 1989.

Benefits

The possible benefits are evident. Social needs can be identified for this geographic neighborhood, and services and programs can be shaped to meet them as resources and skills permit. Members of the local community can have greater control in how this will be accomplished. Service providers can interact more regularly and with less effort at the point where services are offered. Consumers, or recipients of service, can have more convenient access to various services because they are in one place. Finally, innovative approaches to local problems can be tried with a community base and co-ordinated service provision. Thus advantages are possible in terms of the responsiveness of neighborhoods, community participation, efficiency and co-ordination for service providers, accessibility for service recipients, and innovative approaches.

Programs are identified and developed in accordance with a community's entire social needs rather than the mandated responsibility of a specific agency.

Funding

In Ottawa in 1988, the gross cost to the Region to operate 10 Multi-Service Centres was \$962,501, and the net cost was \$622,210 or \$62,221 per centre.

The 10 centres were then able to generate \$1,641,164 in Federal/Provincial monies and other grants, or \$164,116 per centre.

The total cost of operating 10 centres was \$2,603,665, averaging \$260,367 per centre.

These figures represent health and social services alone, not recreational services which are the responsibility of the municipality.

The Region negotiates with the province to cost-share its components of the service centre.

Its components could include the salary and other related costs for the co-ordinator of the centre and one clerical support person. The Region could also locate in each centre one worker for crisis intervention, employment counselling, or other services that are part of the department's costs regardless of where the service is provided. The Region could also relocate in each centre two or three workers from other departmental programs ie: teaching homemakers.

In accordance with the Ottawa model, the direct funding picture could be as follows for the administration, health, and social service components:

85% Province
10% Other
5% Region

The Services to be Offered

A needs assessment should be completed as soon as possible. From it we should be able to determine which services are most needed in the V.P.C.H. centre. Even at this stage the following services are being considered as possibilities. In fact, V.P.C.H. is already providing those marked with an*

1. Emergency assistance (clothing cupboard, food cupboard, legal aid, etc.)
2. Crisis counselling (intake and crisis intervention)
3. Counselling (in the language of the recipient of service)
4. Holistic preventative & emergency health services (health promotion, public health, well baby clinic, general medical care in the language of the recipient of service, home visits, on site laboratory, immunization, etc.)
5. Specialized youth and children's services (nursery school, mom's and tota drop in, day camp, summer youth peer program, therapeutically based programs for groups of children/youth with special needs)*
6. Information, advice, referral, advocacy in the language of service.
7. Community development of resources aimed at resolution of community, social, and economic problems.
8. A variety of self help and mutual support activities (support groups for abused women)*
9. Special care for the needs of the elderly (home support, teaching homemakers).
10. Family support services (women and violence, men who batter, parents of teens, parent/caregiver/tot resources). All of these are needed in the language of the recipient and need to be provided in setting that is prepared to work with problems that arise from cultural differences.
11. Employment counselling (re-entry training, career counselling, social service employment program).

Proposal

In the future Wesley Urban Ministries will be approaching the Health and Social Services Committee for their endorsement and consideration of resolutions such as:

For the Regional Health and Social Service Committee to endorse the model of a Multi Service Centre and support Wesley Urban Ministries in establishing these pilot projects to demonstrate the viability adopting this model in Hamilton.

For the Regional Health and Social Service Committee to commit funds to Wesley Urban Ministries to hire a co-ordinator and clerical support for the multi service centre.

For the Regional Health and Social Service Committee to be prepared to support Wesley Urban Ministries in its efforts to obtain specific funding for programs to meet the needs of the community. This would be in the form of written concurrence grant applications and occasionally would necessitate an agreement to cost-share the program with the Province (the province of course providing the greater share).

For the Regional Health and Social Service Committee to support the relocation of some of the existing Regional staff to operate out of the multi service centre if a need is demonstrated.

BB/bt

Corporation of the City of Hamilton

Memorandum

TO: Mr. E. W. Kowalski
Director of Community Development
Attention: Ms. J. McNeilly

YOUR FILE:

FROM: Mrs. Susan K. Reeder, Secretary
Planning and Development Committee

OUR FILE:
PHONE:

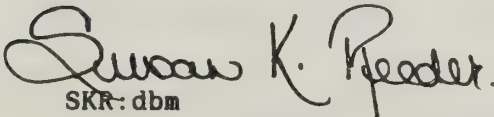
SUBJECT: Contractual Changes re: Service -
Kirkendall-Strathcona Neighbourhood
Programme.

DATE: 1989 August 24

Further to our conversation, and as you are aware, the Planning and Development Committee at its meeting held Wednesday, 1989 August 16 were in receipt of the Annual Audited Financial Statements and Annual Report for the Kirkendall-Strathcona Neighbourhood Houses for 1989 and approved these documents.

Following this, the Mayor requested that staff contact the Kirkendall Neighbourhood House to determine if changes have been made to the contractual services arranged between the City and Kirkendall to meet the changed needs of the Community.

I trust that confirmation of this request is of assistance to you in following through and reporting back to the Committee on an information basis with respect to this matter.



SKR:dbm

c.c. - Alderman J. Smith, Chairman
Planning and Development Committee
- Mayor Robert M. Morrow

FOR ACTION

8.

REPORT TO: Mrs. S. K. Reeder
Secretary, Planning and Development Committee

FROM: Mr. E. W. Kowalski
Director of Community Development

DATE: 1989 October 26

COMM FILE:

DEPT FILE: 800-0014.1

SUBJECT: Wall Mural Program Within Business Improvement Areas (B.I.A.);
Commercial Improvement Programme

RECOMMENDATION:

- a) That, funds be made available from the Commercial Improvement Programme to assist with the implementation of a mural program in all of the B.I.A.'s; and,
- b) That, 50% of the costs be covered under the Commercial Improvement Programme to a maximum of five thousand dollars (\$5,000.) for each mural; and,
- c) That, the remaining 50% be funded by the B.I.A. or its corporate sponsors, the property owner and/or the Commercial Facade Loan Programme if a property owner is eligible for funding.

E W Kowalski
per pher

FINANCIAL IMPLICATIONS: (IF NONE, STATE N/A)

Each mural application will be eligible for matching funding through the Commercial Improvement Programme to a maximum of five thousand dollars (\$5,000.). Also, the remaining 50% will be eligible under the terms and conditions of the Commercial Facade Loan Programme if the property owner wishes to make application.

BACKGROUND:

On 1989 July 13 the DAPCOM Committee discussed wall murals in Hamilton, more particularly, the existing wall mural on the James Street South TH & B underpass which is deteriorating. It was suggested, at that time, that Commercial Improvement Programme funds could be used for the implementation of a wall mural program within B.I.A.'s. Unfortunately, this does not positively affect the James Street South or other business district because they are not B.I.A.'s.

Since then, the Community Development Department has met with the Culture and Recreation Department and the three Downtown B.I.A.'s to hear a presentation by a Toronto mural graphics firm. This presentation on 1989 September 07 gave us more information about murals to assist us in coming up with some recommendations.

Each of the B.I.A.'s would be responsible for preparing the submission to DAPCOM for each mural funding request as well as managing the individual project. In this way, the City will avoid entering into any legal agreements with affected property owners and any other liability associated with the implementation. Wall mural designs have to be approved by the B.I.A. executive and DAPCOM with input from the Arts Advisory Committee also. A condition of the program would be the use of at least one local artist to implement each mural. (Other program conditions will be based on the Commercial Improvement Programme Guidelines and the Commercial Facade Programme Guidelines. The terms and conditions for the Mural Program will be available at a later date.)

On 1989 October 20 representatives from Community Development and the Downtown Promenade B.I.A. met with the Arts Advisory Committee to review this proposal and gained full support for the programme. DAPCOM will be coordinating this project with their input.

cc: Mr. D. Godley, Manager of Neighbourhood Planning
Planning and Development Department

Ms. C. York, Arts Co-ordinator
Culture and Recreation Department

Mr. J. Pavelka, Director
Public Works Department

Ms. C. Coutts, Secretary
Arts Advisory Sub-Committee

F O R A C T I O N

9.

REPORT TO: Mrs. S. Reeder, Secretary
Planning & Development Committee

FROM: Mr. E. W. Kowalski, Director
Community Development Department

DATE: 1989 October 26
DEPT FILE: 40-0001

SUBJECT:

PROVISION OF COMPUTER WORKSTATIONS IN THE DEPARTMENT OF COMMUNITY DEVELOPMENT

RECOMMENDATION:

- (a) That the Community Development Department, in conjunction with Information Systems, be authorized to obtain two (2) additional computer workstations;
- (b) That the estimated leasing cost of \$300. for a possible one month in 1989 be funded from overall savings in the Department in the salary 51000 40001 accounts due to not filling temporary help.
- (c) That the estimated annual leasing costs of \$3,600. be placed in the 1990 budget of this department and an equal offsetting amount be shown as a reduction to staffing costs accounts.

E. W. Kowalski *per fm.*

FINANCIAL IMPLICATIONS: (IF NONE, STATE N/A)

- 1. No additional funds are requested for 1989 due to a savings in the Department's accounts;
- 2. The **ANNUALIZED** costs of this equipment will be provided by reducing the 1990 budget for staffing costs, or other cost savings due to productivity improvements, by as much as the equipment lease costs for the year.

BACKGROUND:

The Department of Community Development requires the micros in order to more efficiently monitor the loan programmes in allowing the Department to cross reference the information captured in individual files. This would alleviate one of the concerns expressed by the Comprehensive Auditor regarding the Loans Section of the Department.

c.c. Mr. Lou Sage, Chief Administrative Officer
Mr. J. G. Hindson, P.Eng., Director of Information Systems
Mr. E. C. Matthews, City Treasurer

FOR ACTION

10.

REPORT TO: Mrs. S. Reeder, Secretary
Planning & Development Committee

FROM: Mr. E. W. Kowalski, Director
Community Development Department

DATE: 1989 October 27
DEPT FILE: 800-0603

SUBJECT: Central/Beasley Special Initiative to Support Housing
Intensification; 1990 to 1994 Capital Budget

RECOMMENDATION:

That, provision be made in the 1990 to 1994 Capital Budget for the implementation of the PRIDE, Special Initiative to Support Housing Intensification Programme in the Central/Beasley Neighbourhoods, at a gross cost of \$2,000,000. (50% Provincial, 50% Municipal).

NOTE: The maximum Provincial allocation is \$1,000,000., giving a total project cost of \$2,000,000. Financing will not be requested until an allocation has been awarded to the City of Hamilton by the Ministry of Municipal Affairs.

E. W. Kowalski *ms P.*

FINANCIAL IMPLICATIONS: (IF NONE, STATE N/A)

The maximum Provincial allocation is \$1,000,000., giving a total project cost of \$2,000,000. Financing will not be requested until an allocation has been awarded to the City of Hamilton by the Ministry of Municipal Affairs.

BACKGROUND:

The Ministry of Municipal Affairs has announced a new Programme called PRIDE, Special Initiative to Support Residential Intensification. (PRIDE/S.I.S.R.I)

The Department of Community Development submitted this item previously for inclusion in the 1989-1993 Capital Budget but this was tabled by the Planning and Development Committee 1989 October 12 until January 1989. The Committee did not wish to commit funds until the Housing Intensification Study had been presented to the Planning and Development Committee. Since this has not occurred but will do so within 1990, this item should be included in the 1990-1994 Capital Budget for proper calculation of funding needs by the Treasury Department.

In the meantime, an application for PRIDE/S.I.S.R.I. will be made to the Ministry of Municipal Affairs - as authorized by City Council 1988 October 25 -, and financing will not be requested until the Provincial allocation is approved.

cc: Alderman V. Agro
Alderman Wm. McCulloch
B. Hotrum, Treasury Department
V. Abraham, Planning Department

City of Hamilton
Treasury

1990-1994 CAPITAL BUDGET
INDIVIDUAL CAPITAL PROJECT SUBMISSION FORM

1. DEPARTMENT/LOCAL BOARD: Community Development Department
2. (a) PROJECT NUMBER: _____
(b) PROJECT NAME: Central Beasley Housing Intensification Programme
3. DETAILED DESCRIPTION, STATING PURPOSE, TYPE OF PROJECT, LOCATION, ETC.:
Special Initiatives to Support Residential Intensification is a separate Programme from PRIDE, allowing a maximum provincial contribution of \$1,000,000. for improvements related to Housing Intensification ie. hard & soft services, loan & grant programmes for intensification renovations, recreational & social service facilities.
4. (a) PROJECT STARTING DATE: 1990
(b) PROJECT FINISHING DATE: 1993
(c) YEAR ONTARIO MUNICIPAL BOARD APPROVAL REQUIRED: 1990
5. (a) GROSS COST OF PROJECT
IN YEAR-OF-START DOLLARS: \$ 2,000,000.
(b) LESS SUBSIDIES AND OTHER RECEIPTS: \$ 1,000,000. Ministry of Municipal Affairs special initiatives to support Residential Intensification
(c) NET CITY'S COST: \$ 1,000,000.
NO. OF PERSON YEARS CREATED
- | | | |
|---|--------------------|-----------|
| 6. (a) YEAR OF EXPENDITURE - 1990 | \$ <u>100 000.</u> | <u>2</u> |
| - 1991 | \$ <u>500,000.</u> | <u>14</u> |
| - 1992 | \$ <u>400,000.</u> | <u>12</u> |
| - 1993 | \$ _____ | _____ |
| - 1994 | \$ _____ | _____ |
| - 1995 & after | \$ _____ | _____ |
| (b) TOTAL NUMBER OF PERSON YEARS CREATED: | | <u>28</u> |
7. ADDITIONAL JOBS TO BE CREATED BY THE PROJECT: 10
8. ADDITIONAL ANNUAL OPERATING COST: \$ N/A
9. EFFECT OF REDUCTION IN COST, DELAY OR ELIMINATION OF THIS PROJECT:
No implementation of recommendations in Housing Intensifications Study (Planning Dept.). Lack of affordable housing built in conformity with Property Standards, lack of proper services for increased demands.
10. WAS THIS PROJECT IN LAST YEAR'S APPROVED CAPITAL BUDGET?
NO ☐ YES ☒ - AT CITY'S COST OF \$ 1,000,000 1989 (Tabled)
- SCHEDULED TO START IN THE YEAR _____

Signature of Department Head/Local
Board Manager
(for Standing Committee)

Signature of C.A.O.
(for Executive Committee)

Date

Date

F O R A C T I O N

11.

REPORT TO: MS. S. REEDER, SECRETARY
 PLANNING AND DEVELOPMENT COMMITTEE

FROM: G.S. SPENCER
 COMMISSIONER OF ENGINEERING

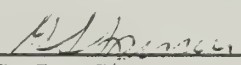
DATE: 1989 October 23
COMM FILE:
DEPT. FILE: S723-48

SUBJECT

"Wentwal Estates", Hamilton
(Cash Payment in Lieu of 5% Parkland Dedication)

RECOMMENDATION

That the City of Hamilton accept the sum of \$16,770.00 as cash payment in lieu of 5% dedication in connection with "Wentwal Estates", Hamilton, this being the cash requirement under Section 50 of the Planning Act.



G.S. Spencer, P. Eng.
Commissioner of Engineering

FINANCIAL IMPLICATIONS

N/A

BACKGROUND


The owner of the land for the above referenced subdivision will be executing a subdivision agreement with the City of Hamilton in the near future. A copy of the Final Survey Plan is attached for your information.

In accordance with normal City procedure, the City and Regional staff have completed calculations for the 5% cash payment in lieu of Parkland Dedication.

The sum to be included in the subdivision agreement has been calculated to be \$16,770.00

Note:

These land are located west of Upper Wentworth Street and north of Rymal Road in the Barnstown neighbourhood, Hamilton.

 CAU:ja
Attach.

cc: D.J. Consoli, City Treasury Department

Corporation of the City of Ha

Memorandum

TO: Alderman J. Smith, Chairman
Planning and Development Committee

YOUR FILE:

FROM: John Thompson, Secretary
Finance Committee

OUR FILE:

PHONE: 526-2729

SUBJECT: COMPREHENSIVE AUDIT -
COMMUNITY DEVELOPMENT DEPARTMENT

DATE: 1989 September 22

This refers to your memorandum to Alderman Wm. M. McCulloch dated 1989 September 13 regarding the Comprehensive Audit Report on the Community Development Department which was presented to the Finance Committee at its meeting held 1989 September 19 for consideration and recommendation.

This is to inform you that the Finance Committee approved your request to refer the subject report to the Planning and Development Committee for review and comment.

By copy of this memo, I have taken the liberty of forwarding a copy of the Comprehensive Audit report to Mrs. Susan Reeder, Secretary, Planning and Development Committee for duplication and distribution to the Members of your Committee.

Following review of the report by your Committee, would you please forward any comments and/or recommendations to myself as Secretary of the Comprehensive Audit Sub-Committee.

JT:mjw

c.c. Alderman Wm. M. McCulloch, Chairman
Finance Committee

Alderman J. Gallagher

Mr. E. C. Matthews,
Treasurer

Mr. E. Kowalski, Director
Community Development Department

12.

THE CORPORATION OF THE CITY OF HAMILTON
COMPREHENSIVE AUDIT REPORT
THE DEPARTMENT OF COMMUNITY DEVELOPMENT

December, 1988

TABLE OF CONTENTS

	Page
1.0 EXECUTIVE SUMMARY	1
2.0 PURPOSE OF THE PROJECT	3
3.0 SCOPE OF THE INVESTIGATION	3
4.0 OBSERVATIONS AND RECOMMENDATIONS	4
4.1 The Department as a Whole	5
4.2 Recommendations	9
5.0 OBSERVATIONS AND RECOMMENDATIONS: OPERATING UNITS	9
5.1 Community Renewal	9
5.2 Housing Loans	11
5.3 Hamilton Waterfront Project	14
5.4 Municipal Non-Profit Housing Corporation	16

APPENDIX 1: The Attributes of Effectiveness

APPENDIX 2: List of Names and Titles of Interviewees

1.0 EXECUTIVE OVERVIEW

A review team was engaged in October of 1988 to conduct a comprehensive audit of the Department of Community Development. The purpose was to determine how effectively the Department uses its resources and recommend ways to reduce costs or improving the quality of service without incurring additional costs. The key findings of the review team are as follows:

- the Department is generally well run from the standpoint of management direction, systems, procedures and internal structure;
- the non-profit housing unit does not operate effectively because the general manager:
 - has insufficient skilled staff,
 - has limited access to experts from other city departments,
 - is not accountable for the funds provided by the province to administer and develop non-profit housing units;
- the Housing Loans unit is widely admired for its cautious but innovative loan practices. Provincial and federal funds are used when available. An exception is OHRP which has accumulated over \$2,600,000 in the city treasury because current program guidelines restrict the number of eligible cases. This accumulation is common to all large cities in Ontario, and the province will resolve the matter shortly;
- there is no way to determine whether the general public is satisfied with the services received from the department, or whether the time which project managers spend on individual projects is reasonable, since there are no systems to collect such information;
- the department contributes to the planning and managing of the Waterfront project and Non-Profit Housing Corporation but since these are developmental projects, the key decisions are being made by City Council Committees; and
- the department provides a variety of apparently desirable but non-essential services for the City.

Our recommendations are presented below. The mandate of this study did not extend to an examination of the functioning of the city council committees. Therefore, we cannot make specific recommendations regarding decisions made at that level since further study would be required. Our recommendations are limited since the Department is generally well-managed. These recommendations are:

- the Department of Community Development should take a more proactive role in evaluating its own effectiveness through the development of a program which includes:
 - setting clear and specific operating objectives, based on operating plans, for each member of the Department on an annual basis and evaluating performance against objectives;
 - recording time allocated by each member of the Department to project and to non-project activities in order that the time spent in each operating area can be reviewed periodically and appraised for rationality and adequacy.
- the Co-ordinator of Housing Loans should use his current information about those who refuse loans to develop applicant screening criteria to save staff time in completing unused applications;
- the general manager of the Non-Profit Housing Corporation (NPH) should be given the responsibility, and be held accountable, for using provincial funding to manage the non-profit corporation;
- the NPH general manager requires a construction foreman and full-time clerical assistance;
- the NPH general manager should put the property management contract out to tender to encourage the Kiwanis to improve their financial management systems and reduce their management fees;
- the NPH general manager should prepare a report for council on the advisability of investing in land banking in areas of the city slated for major renovations or replacement 5 years hence; and

- the NPH general manager should prepare a report for council summarizing the staffing, organization policies and costs of those non-profit housing corporations which report operating within the funds provided by the province.

Our findings indicate that there has been significant improvement in operations of the Department of Community Development over the last two years. Many historic problems have been eliminated through the introduction of effective means of co-ordinating and planning with other departments.

Many interviewees agreed that the people of Hamilton would soon start to have to make up the shortfall between what the province pays to develop and operate non-profit housing and what these services cost the City. We believe that costs are escalating because the general manager does not have the authority or the information to manage the corporation efficiently.

The NPH management changes recommended in this report could save approximately \$100,000 during the coming year; the recommended reports to Council will help clarify what the City has to pay for non-profit housing so that a decision can be made as to whether or not this service should be continued.

It was not our mandate to conduct an organization study, but we could not help noting that there is another non-profit housing activity conducted by the City in providing houses for seniors through another department. There may be excellent reasons to have two non-profit housing operations within the City, but we suggest that consideration should be given to integrating these services.

In examining other options for cost savings, we can also consider the more extreme case which may arise if the City is suffering from a significant budget deficit. The Department of Community Development seems to provide a range of desirable services, but they are not essential services such as water and sewage.

Housing loans and business improvement area services could probably be eliminated with little inconvenience to the people of Hamilton. There are also several private sector non-profit housing organizations in the community willing to take over the City's units. However, most of the funds for program delivery in these units of the Department come directly from the province or, in the case of the business improvement areas, from taxes to local business owners.

The Waterfront Project, on the other hand, may cost the City over \$1,000,000 for land removal and consulting services in 1989. However, these expenditures cannot be stopped since the Ministry of the Environment has demanded that the land clean-up be completed, regardless of the use to which the site is put.

In summary, the most extreme case for saving money--by eliminating the Department altogether--may save only \$100,000 to \$200,000 in salaries and incidental costs per year, depending upon how staff re-assignments are made. Since housing loans generate some revenue, this extreme course of department closure would not be reasonable unless the City was concerned about a significant budget deficit.

2.0 PURPOSE OF THE PROJECT

The audit was conducted in order to:

- review the effectiveness of the Department of Community Development in delivering services for which it is responsible; and
- recommend ways to reduce the cost of service delivery or improve the quality of service without incurring additional costs.

3.0 SCOPE OF THE PROJECT

The review team was instructed to focus upon the internal operations of the Department of Community Development. The recommendations will reflect the limited perspective which is characteristic of the review of one department within a larger organization.

The elements of departmental effectiveness which the review team examined are listed below:

- management direction;
- relevance of key activities;
- appropriateness of structure and process;
- achievement of intended results;
- acceptance by constituencies;
- secondary impacts;
- costs and productivity;
- financial results;
- working environment;
- protection of assets; and
- monitoring and reporting.

* Each of these elements is defined in greater detail in Appendix I.

The review focused on current operations. Problems which have occurred in the past--and which are unlikely to occur again because of changes in policy, procedures or organization--were not subjects of investigation for this review.

Interviews were conducted with members of the department, city officials and city employees who interact with the department, members of the public, members of relevant provincial and federal government departments, and individuals responsible for similar programs in other cities and municipalities. The names and titles of the interviewees appear in Appendix 2. Key documents concerning the department's objectives, activities, results, and systems were also examined.

4.0 OBSERVATIONS AND RECOMMENDATIONS: THE DEPARTMENT

Section 4.0 of the report is concerned with our observations and recommendations concerning the department as a whole. Section 5.0 presents the observations and recommendations for each of the four units of the department, i.e., Community Renewal, Housing Loans, the Waterfront Park project, and Non-profit Housing.

Both Section 4.0 and section 5.0 are organized as follows:

- **observations** - a brief overview of purpose, process and structure;
- **findings** - specific findings in relation to the attributes of effectiveness outlined under "Scope of the Investigation"; and
- **recommendations** - recommendations for improving effectiveness and/or saving public monies.

4.1 The Department

Our comments on the department as a whole focus on findings and recommendations which generally apply to all units or to general department management.

4.1.1 Observations

The Department of Community Development was created in 1972 following a management review by a private consulting firm. The department was originally designed to:

- oversee the application of minimum standards bylaws; and
- complete the implementation of three urban renewal programs.

In the early 1980s, the department became responsible for implementing the downtown action plan. As late as 1987, the department assumed responsibility for the Waterfront Park project and the Municipal Non-Profit Housing project.

With a capital budget of approximately \$60 million, the purpose and objectives of the department, as stated in the 1988 current estimates report, is to plan for, and implement community/housing renewal programs and activities within the city of Hamilton as well as the Waterfront Development and the Municipal Non-Profit (Hamilton) housing corporation.

4.1.2 Findings

The review team has drawn the following conclusions about the overall effectiveness of the department:

- employees are clear with respect to their roles, co-ordinating meetings are held as appropriate and authority is appropriately delegated;
- key activities are relevant and appropriate to the departmental objectives;
- the department is appropriately organized internally for the services it delivers;
- objectives are generally achieved as planned, with the exceptions being in the newer developmental areas in which the department does not have sufficient authority to act, i.e., Waterfront planning and non-profit housing;
- the department seems to deliver adequate service to the members of the general public as well as other departments with which it interfaces;
- the secondary impacts of department activity, (e.g., generating business for housing renovators and construction companies, or rezoning property) seems, to be generally beneficial to the community;
- the department is generally operated within its budget, although the indirect costs of managing the Non-profit Housing Corporation to other departments are neither included in the department budget nor adequately documented to assess cost-efficiency;
- productivity of the department cannot be directly assessed due to a lack of time records by project, but overstaffing is not in evidence;
- the department has shown considerable capacity to respond to problems that have arisen in interaction with other departments and the public and is likely to remain responsive to changes in its complex operating environment;
- appropriate safe guards for the protection of assets are present and monitored to various degrees by the Treasury Department, the City's auditors, and the CHMC and the Ministry of Housing;
- monitoring and reporting of activities within the department and between the department and the City Administrator and City Council is generally appropriate;

- apart from an apparent shortage of staff in one area, the work environment is suitable for the department's mandate and objectives, and the working atmosphere is positive and progressive; and
- the department has continued to improve its policies and procedures to reduce communications and coordination problems between the execution and those of other departments or committees of Council.

Our concerns lie in the following areas:

- there is no formal system for evaluating the quality of services provided by the department, nor does the project management system enable one to assess level of effort against outputs achieved;
- interviewees from other departments, and from other organizations that interact with the department often comment upon a lack of action-orientation and leadership in the Department of Community Development. These comments are difficult to translate into objective terms. This may reflect a failure on the part of the Director of the department or on the part of other departments to specify in a sufficiently clear manner the specific accomplishments required or expected of this department;
- the unit managers, as seen by other departments are performing their jobs in a competent fashion, but the general lack of technical expertise and experience seems to limit the credibility of the department as far as significant decision-making is concerned;
- although the department's authority to act is limited by the Council sub-committees to which it reports, on matters of the Waterfront development and non-profit housing, it is often viewed as being responsible for running behind schedule and over-budget in these areas;
- many interviewees commented spontaneously that the Department of Community Development is "too small" and should be integrated with other departments. No one suggested that there was any rush for this decision or that there would be significant public funds to be saved. It was not within our mandate to investigate this matter further, but some of the comments by interviewees were:

- the Waterfront Park project is small now, but it will soon be quite large and complex requiring a new manager, a new focus and completely separate operating environment,
- the park's component of the Community Renewal project might be better integrated with the evolving Parks Development Unit within the Department of Public Works,
- the Housing Loans Unit might fit more appropriately within the Treasury Department or within the property department,
- the Non-profit Housing Corporation is getting large enough to call for a completely separate corporation with a general manager reporting directly to the Board rather than through a department head.

A number of concerns which have been expressed regarding the Department of Community Development turn out to be as much the responsibility of other departments. For example, there are concerns regarding the design of some specific aspects of community renewal projects. Often these concerns relate to the fact that the design of development programs includes items that are difficult for the public works department to maintain. However, there are now opportunities, early in the process of planning, for public works to input on the maintenance requirements of individual items. We believe that some of the problems that have been identified are to be expected. Others are the result of work loads across the departments involved.

4.2 Recommendations

The review team offers the following recommendations:

- the Department of Community Development should take a more proactive role in evaluating its own effectiveness through the development of a program which includes:
 - setting clear and specific operating objectives, based on operating plans, for each member of the Department on an annual basis and evaluating performance against objectives; and

- recording time allocated by each member of the Department to project and to non-project activities in order that the time spent in each operating area can be reviewed periodically and appraised for rationality and adequacy.

5.0 OBSERVATIONS AND RECOMMENDATIONS: DEPARTMENT UNITS

This section presents the finding from the review of the Community Renewal, Housing Loans, Waterfront Property, and Non-profit Housing units.

5.1 Community Renewal

5.1.1 Observations

As outlined in the 1988 Annual Report, the Community Renewal section of the Department of Community Development addresses the revitalization of older business areas and/or neighbourhoods within the city of Hamilton. Revitalization projects fall into three basic categories: (1) Business Improvement Areas (BIA Concept) wherein assistance is provided to business groups in mobilizing to renew business areas within the city; (2) Central Business District (CBD) redevelopment known as the Downtown Hamilton Action Plan (DHAP); and (3) the Neighbourhood Renewal Project encompassing the Commercial Area Improvement Program (CAIP) and the Ontario Neighbourhood Improvement Program (ONIP) which were combined in 1987 and entitled the Program for Renewal, Improvement, Development and Economic Revitalization (PRIDE). This program allows a municipality to make application to the Ministry of Municipal Affairs for financial assistance for redevelopment to the commercial, residential and industrial elements of a target area.

5.1.2 Findings

The review team has a favourable overall report with respect to the management of the Community Renewal Program. In particular, we note the following:

- members of the unit operate with clear purpose and management direction;

- services offered by the unit continue to be relevant to the overall objective of the Department and are well received by members of the public;
- overall costs of the department are appropriate, and adequate checks and balances exist for the protection and distribution of assets; and
- the unit has shown considerable responsiveness to the concerns of both external constituents and internal operating departments, as well as considerable flexibility in developing appropriate systems to promote smooth and effective working relationships.

The review team points to the following findings of concern:

- there are no formal, ongoing measures of effectiveness for the unit. The unit does not, in any way, seek to determine its own effectiveness in implementing its mandate of providing services to the public;
- while various constituencies report highly favourable interactions with the community renewal program, the department is not staffed with individuals who have technical backgrounds in operating areas. Staff members generally have behavioural science backgrounds which facilitate community work more so than physical development needs;
- both members of the public and of other operating departments cite "unnecessary delays" in community renewal projects. The review team has not uncovered unequivocal examples of avoidable delays; and
- there is a tendency for urban renewal plans to outstrip the capacity of the maintenance function in spite of systems now in place to minimize such problems.

Internally, there are good reasons for the methods of operation utilized by the Community Renewal Unit. Many "unnecessary delays" would be difficult to avoid. Similarly, it is natural for there to be some tension between enthusiasm for new exciting development programs and practical aspects of implementation. It is the view of the review team that the findings above do not reflect significant departures from prudent process.

5.2 Housing Loans

5.2.1 Observations

As outlined in the 1988 Annual Report, the Housing Loans Section of the Department of Community Development that administered rehabilitation loan and grant programs since their formation by the Federal and Provincial governments in late 1974. The department currently implements 18 different programs and administers several loan and grant programs for the town of Dundas and the Township of Flamborough.

Since 1974, the Department has administered \$16,603,071 in rehabilitation loans—an average of \$1,185,000 per year. The total number of applications approved has been 3,289—averaging about \$5,050 per application.

The Ontario Home Renewal Program (OHRP) was funded on a per capita basis by the government until 1982. OHRP accounts for 40% of all the approved applications and the value of the loans (\$5,457,837) accounts for 33% of the total loans since 1974. The Residential Rehabilitation Assistance Program (RRAP) is a federal program administered nationally by the Canada Mortgage and Housing Corporation which provides Municipality with yearly allocation. RRAP accounts for 45% of all applications approved by the department and the value of the loans (\$6,114,066) accounts for 37% of all loans which have been managed by the department since 1974. The Provincial Low-Rise Rehabilitation Program (PLR) provides grants from a province of two-thirds of rehabilitation costs and is given in accordance with an allocation provided to the Municipality. PLR accounts for 7% of all applications and the value of the loans (\$3,222,622) accounts for 19% of total loans since 1974.

5.2.2 Findings

The review team has a favourable report with respect to the management of the Housing Loans Program. In particular, we note the following:

- provincial and federal funding agencies report that, compared to other municipalities, the Hamilton housing loans unit excels in:
 - using all or most of its allocated loans or grant money;
 - providing ideas and constructive assistance in federal/provincial housing program design and housing program policy issues,
 - management of its financial resources.
- there is a clear delegation of roles and responsibilities with appropriate control by the manager of the section for the actual approval of each loan, selection of contractors, and monitoring of pay-backs;
- staff education levels and qualifications are appropriate for the volume of work and adequate checks and balances exist to ensure that loan recipients, the nature of the work to be done and the selection of contractors meet the regional management standards; and
- leadership and management judgement are exhibited in the selection and management of contractors and in promoting those which appear to be most cost effective and appealing to both the municipality and to applicants.

The review team notes the following concerns:

- management of the OHRP money which, until 1982 was funded by the province, has resulted in the Department having a "cushion" of \$2,600,000. The province may consider making more people eligible for this loan money (discussions are presently in progress);
- provincial auditors noted that the manager of the housing loans should have direct access to the current status of each loan, but that this information was available only through an exceptional request to the Treasury department; and
- the 50% of loan applications which do not lead to a loan take up 90% of the staff time required for a successful application. Yet, there are no plans to reduce the number of non-approvals before full applications are completed.

On the whole, the Housing Loans Program is well managed. It makes good use of the money available through federal and provincial resources to rehabilitate residential and commercial units in Hamilton. It is more conservative than other municipalities with respect to (1) retaining funds earned through loan repayments and interest payments which many other municipalities recycle into the community, (2) creating somewhat more stringent financial conditions for OHRP applicants than other municipalities, and (3) controlling how loan recipients spend their money.

5.2.3 Recommendations

The review team recommends:

- the Co-ordinator of Housing Loans should use his current information about those who refuse loans to develop applicant screening criteria to save staff time in completing unused applications.

5.3 Hamilton Waterfront Park Project

5.3.1 Observations

In November 1984, the city of Hamilton expropriated approximately forty acres of waterfront lands in its west harbour area. This land was to be used for the creation of a waterfront park characterized by civic, cultural and recreational activities. The primary goals of the project were to broaden and develop the economic base of the city and to maximize benefits to the city, region and province. In particular, there was interest in creating a different image of Hamilton and in providing a free space to the public.

In 1987, responsibility for the implementation of the waterfront park project was transferred to the Department of Community Development from the architect's office. Overall planning and control of the project rests with the Waterfront subcommittee, the Parks and Recreation committee and, ultimately, with city council.

The current tasks of the Waterfront Parks unit of the Department of Community Development are to co-ordinate:

- an environmental assessment project;
- a landfill clean up project and related investigations; and
- an economic and management assessment project.

Future requirements of the role will be dependent upon the results of these activities. The exact nature of the Waterfront Park is yet to be determined. As a result, the exact nature of management and co-ordination activities required is still in question.

5.3.2 Findings

The review team cites the following findings regarding the operations of the Waterfront Park project:

- Activities being undertaken by the co-ordinator of the parks project are appropriate in every sense and reflect appropriate liaison with all relevant constituencies;
- appropriate investigations required for the effective implementation of the Waterfront project are being undertaken, including those related to waste management, environmental impact and economic and management assessment;
- appropriate controls over on-site activity have been developed;
- all precautions are being taken to spend monies wisely through competitive bids, treasury controls, etc.; and
- appropriate control through the Solicitor's office is now being incorporated into requests for proposals and contracts.

Before the department had responsibility for the Waterfront Park project, there were significant questions regarding the appropriateness and effectiveness of project management. In particular, the investigation of requirements and controls surrounding

the removal of contaminated soil from the Lax properties appears to have left much to be desired. However, all current activities with respect to the removal of contaminated soil, as well as environmental assessment and economic and management assessment, seem appropriate. In fact, interviewees for this current review generally report significant improvement in the overall management of the Waterfront Park project.

The Waterfront Park co-ordinator has shown sufficient capacity to effectively oversee current operations. Since there is a plan in place to monitor the ongoing structural needs of the Waterfront project as new information is received, the review team believes that all appropriate action is being taken to promote ongoing effectiveness. However, the project may soon move from the \$4 million stage to the \$50 million stage. The present co-ordinator is doing well, but is working near the upper limits of his technical skill and experience with large projects. He is developing his capabilities, but the demands of the project may quickly outstrip his personal rate of development.

5.4 Municipal Non-Profit Housing Corporation

5.4.1 Observations

The Municipal Non-Profit Housing Corporation was established in 1985 to provide rental housing appropriate for those with low and moderate incomes. The Corporation is involved in housing construction, housing management and housing research. Since 1985, 192 units have been completed in three locations: Upper Paradise Road; Limeridge East; and Stonechurch East. Property management and rental administration is provided by Hamilton East Kiwanis Non-Profit Homes. Projects under construction included 37 units in a renovated school building, but they were recently destroyed in a fire during construction. Other current projects include 10 townhouses and 66 units on Upper Ottawa and Limeridge roads. Research has been done by the Corporation on housing issues related to the need, affordability, optimal location, incentives and community acceptance.

The Non-Profit Corporation is staffed by a general manager, supported by a half-time clerk. The Corporation receives, from the province, 6% of the operating costs (or, in one instance, 6% of the gross rent revenue) of completed units for administration. Last year, the Kiwanis retained 4.4% of total administrative costs leaving 1.6% available to the city for recovering its own administrative costs on items such as additional time required by staff, treasury department and the real estate department. The salaries for employees in the DCD who work on non-profit housing are covered primarily by the provincial allowance of 2% of capital costs of buildings under construction.

5.4.2 Findings

The review team has drawn the following favourable conclusions:

- the quality of the housing currently being built, as well as that which has been completed, is as good as that done by private non-profit sector competitors;
- the management of the existing units has been done by the Kiwanis with a minimum of problems either in day-to-day administration or in the selection of tenants; and
- the general manager of the corporation maintains good communications with other departments with which he must interact (real estate, treasury, planning) and is very actively involved with daily developments in the properties under construction.

The review team has a the following concerns about the Non-Profit Housing Corporation:

- the professional qualifications and the experience of the general manager are in planning rather than construction, yet his primary activity is to oversee the construction of \$7.8 million worth of units this year;
- the general manager has no background in the field of property management or rental administration but is expected to monitor the performance of an organization managing 192 units with revenues of over \$500,000;

- while no one questions the honesty of the Kiwanis management team, several sources have indicated that the precision with which financial records have been kept has been less than adequate;
- the general manager has no financial accountability, limited financial information, and must purchase services from other departments. The Corporation is likely to overspend its budget under such circumstances;
- the management of this corporation requires expertise in the fields of construction management, accounting and real estate search/negotiation services. These services are provided by other city departments, but only when staff time can be made available;
- it is difficult for the general manager to meet his objectives with respect to administrative work, housing policy development, research construction supervision and property management supervision with only the help of one part-time clerk; and
- there are several local private sector non-profit housing corporations in Hamilton. The City Corporation has not used its zoning powers or purchasing power to create building lots which may not have been available to the private sector. It does not provide substantially better quality housing, more attractive housing or more efficiently managed housing than its private sector competitors. It is not clear, therefore, what need the City Non-Profit Housing Corporation is meeting that could not have been met by the private sector.

To date, both of the general managers of the Corporation have lacked the qualifications, and/or technical staff support, for this position. Both managers had training in planning—not in construction management and not in property management. While cause and effect relationships are difficult to establish, it is worth noting that there have been persistent problems with the quality of construction of the first units. These still require attention to correct.

There have been delays in the construction on properties currently underway which have been attributed to either the lack of time of the present general manager or his lack of the aggressiveness and/or building experience.

Of course, given the volume of work and lack of staff, even a well-qualified person would have considerable difficulty in keeping control of this situation. The general manager simply doesn't seem to have adequate resources to stay on top of the job in the longer run.

5.4.3 Recommendations

We cannot deal with the issue of whether or not the city should be in the non-profit housing business. We are assuming that the corporation will continue to function and that there will be continuing emphasis upon finding land for development.

We have also noted that there is a second non-profit housing department in the city. It was not within our mandate to examine the organizational issues, but we found it unusual that such apparently similar services were operated independently. Perhaps consideration should be given to putting all non-profit housing in one department.

We understand that a motion will be put forth to council for an additional allocation of funds to assist the corporation in its operations. Staff will be employed by the property department, the city treasury and the corporation itself. Our review of Non-Profit Housing Corporations in other parts of the province suggests that it is possible to manage non-profit housing corporations within the budget allocated by the provincial government. This may be difficult to accomplish in Hamilton if the NPH manager's staff report to other department heads, and financial information and decisions are the responsibility of yet another department.

Our recommendations are as follows:

- the NPH general manager should be given the responsibility, and be held accountable, for using provincial funding to manage the non-profit corporation;
- the NPH general manager requires a construction foreman and full-time clerical assistance;

- the NPH general manager should put the property management contract should be put out to tender to encourage the Kiwanis to improve their financial management systems and reduce their management fees;
- the NPH general manager should prepare a report for council on the advisability of investing in land banking in areas of the city slated for major renovations or replacement 5 years hence; and
- the NPH general manager should prepare a report for council summarizing the staffing, organization policies and costs of operation for non-profit housing corporations which report that they are operating within the funds provided by the province.

APPENDIX 1

THE ATTRIBUTES OF EFFECTIVENESS

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Management direction: the extent to which the objectives of an organization, its component programs or lines of business, and its employees, are clear, well-integrated and understood, and appropriately reflected in the organization's plans, structure, delegations of authority and decision-making processes.

Relevance: the extent to which a program or line of business continues to make sense in regard to the problems or conditions to which it is intended to respond.

Appropriateness: the extent to which the design of a program or its major components, and the level of effort being made, are logical in light of the specific objectives to be achieved.

Achievement of intended results: the extent to which goals and objectives have been realized.

Acceptance: the extent to which the constituencies or customers for whom a program or line of business is designed judge it to be satisfactory.

secondary impacts: the extent to which other significant consequences, either intended or unintended and either positive or negative, have occurred;

costs and productivity: the relationships among costs, inputs and outputs;

responsiveness: an organization's ability to adapt to changes in such factors as markets, competition, available funding or technology;

(ii)

financial results: the matching of, and the accounting for, revenues and costs and the accounting for and valuation of assets, liabilities and equity;

working environment: the extent to which the organization provides an appropriate work atmosphere for its employees, provides appropriate opportunities for development and achievement, and promotes commitment, initiative and safety;

protection of assets: the extent to which important assets - such as sources of supply, valuable property, key personnel, agreements and important records or information - are safeguarded so that the organization is protected from the danger of losses that could threaten its success, credibility, continuity and, perhaps, its very existence; and

monitoring and reporting: the extent to which key matters pertaining to performance and organizational strength are identified, reported and carefully monitored.

APPENDIX 2

LIST OF NAMES AND TITLES OF INTERVIEWEES

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NAME	TITLE
Lou Sage	Chief Administrative Officer, Chief Administrative Officer's Office
Jim Thoms	Commissioner, Department of Planning and Development
Victor Abraham	Director Local Planning, Department of Planning and Development
David Godley	Manager Neighbourhood Planning, Department of Planning and Development
Dan Vyce	Director, Property Department
Joe Pavelka	Director, Public Works Department
Russ Nutley	Manager, Parks Division, Department of Public Works
Doug Onishi	Director, Engineering Services, Municipality of Hamilton
Don Heintz	Project Maintenance Engineer, Public Works Department
Roland Karl	Planning Engineer, Traffic Department
Ernie Seager	Chairman, Waterfront Park Sub-Committee
Doug Farquhar	Supervisor, Administrative Services, Culture and Recreation
Audell Schimmel	Director, Culture and Recreation
Ed Matthews	Treasurer, City Treasury Department
Roy Hammel	Manager of Budgets, City Treasury Department
Doug Goodman	Assistant Supervisor, Taxation, City of Hamilton

Brian Hill	Senior Accounting Clerk, City Treasury Department
Rand Roszell	Solicitor, City Solicitor's Department
Ed Kowalski	Director, Department of Community Development
Kevin Christenson	Co-ordinator, Waterfront Project, Department of Community Development
Jackie McNeilly	Co-ordinator, Community Renewal, Department of Community Development
Bill Janssen	General Manager, Co-ordinator of Non-profit Housing, Department of Community Development
John Robinson	Co-ordinator Housing Loans, Department of Community Development
Hazel Milsome	Administrative Assistant II, Department of Community Development
Don Ross	Alderman, Ward 8, Hamilton
David Christopherson	Alderman, Ward 4, Hamilton
William McCulloch	Alderman, Ward 2, Hamilton
Rosemary Campbell	Past General Manager and Co-ordinator of Non-profit Housing, Hamilton
Louie Seraphini	Private Sector Development Consultant and Non-profit Housing Manager, Hamilton
Carol Nixon	Executive Director, Business Improvement Area, Downtown Burlington
Gabriel Etele	Executive Director, Business Improvement Area, Downtown Hamilton
Gwen Maloney	Manager, Regional Office, Ministry of Housing, Hamilton
Nancy Laver	Branch Manager, Canadian Mortgage and Housing Corporation, Hamilton
Ray Stewart	Technical Support Manager, Ministry of Environment

Sybil Fernette	General Manager, Kitchener Housing Corporation
Bruce Langer	Housing Manager, Ajax Municipal Housing Corporation
Keith Extance	Housing Analyst, Non-profit Housing, Peel Region
Murray Engel	Chief Administrative Officer, City of London
Charles Towlsey	Manager of Property & Planning, Hamilton Harbour Commission
Harry French	Vice President, Planning Division, Marshall, Maclin, Monaghan
Gillian Booth	President, Bar Environmental
Robert Dowler	Co-ordinator, Policy & Program, Ministry of Housing
Sam Carr	Manager, Program Administration, Ministry of Housing

FOR INFORMATION

12a.

REPORT TO:

Mr. J. D. Thompson. Secretary
Finance Committee

FROM:

Mr. E. W. Kowalski. Director
Department of Community Development

DATE: 1989 July 13

COMM FILE:

DEPT FILE: 32-0001.2

SUBJECT:

Comprehensive Audit Report - Department of Community Development

BACKGROUND:

The Department of Community Development, in response to the Comprehensive Audit conducted by Pennell Kerr MacGillivray, wish to make a few general comments and leave the specific observations regarding the various administrative sections of the Department to the attachments labelled as Schedule 'A', 'B', 'C' and 'D' ('A' - Community Renewal, 'B' - Housing Loans, 'C' - Waterfront Project and 'D' - Municipal Non-Profit Housing Corporation). We also wish to point out that the Department's comments are not all inclusive, but only address what we consider major items of concern.

The Department is of the opinion that the report must be read in its entirety, and excerpts should not be regarded in isolation as they could be misinterpreted. The Consultants often quote statements in the report which are the subjective opinion of those interviewed, without attempting to verify statements which have been made. This can, at times, present a very prejudicial and one-sided view of the actual circumstances.

The Consultant suggests the Department may be "too small", but does not explain or attempt to justify this statement. As the Committee is aware, this Department is very specialized, and because of our size, not in spite of, we feel we are able to concentrate our efforts on the delivery of inter-related programmes, and respond to housing and redevelopment concerns both politically and from the public. We acknowledge that we are unique, but this uniqueness is what has made our delivery so successful. The City of Hamilton's ability to implement Programmes, funded by other levels of Government, is unsurpassed in the Province and for that matter in all Canada. A major reason for this success is the focus which we are able to spend in these areas. Big is not always better, nor is it necessarily as cost effective. the cost of the service delivered by the Department of Community Development, and noted by the Consultant, has little impact on the City's Current Budget.

Many of the services provided by the Department of Community Development address Economic Development goals and objectives. They should therefore, be examined for their impacts on the City's economic base. Housing loans and grants for example, make it possible for lower income homeowners to maintain their own shelter. If these homes were not renovated, the housing stock would eventually deteriorate, and require demolition to adhere to Property Standards. This would further erode the supply of affordable housing for middle to low incomes. Likewise for Non-Profit Housing. Beautification through the Waterfront Development and Streetscaping, as well as the Department's relationship with the business community through Business Improvement Areas (B.I.A.'s), have strong positive impacts on the City's Economic base.

c.c.: Mr. L. Sage, C.A.O.
Mr. E. C. Matthews, City Treasurer
Pannell Kerr MacGillivray
Attn: Mr. M. Hudson, C.A.

COMMUNITY RENEWAL

In Section 4.1.1 Observations, on page 9 of the Report, the Consultant states, "the Parks Component of the Community Renewal Project might be better integrated with the evolving Parks Development Unit within the Department of Public Works."

We agree that there is a relationship between some of the functions that the Parks Division of the Public Works Department performs and the tasks carried out by the Community Renewal Section of the Community Development Department but it has been illustrated, by previously tendered projects, that Public Works Staff can not implement projects as cheaply as some private contractors can. On three projects coordinated by the Community Renewal Section, that the Public Works Department bid on, outside contractors submitted lower prices in all of the instances. The prices received from the Public Works Department were in fact in the upper percentile of the bids received.

In Section 5.1 of the Concerns, listed on page 11, the Consultants suggest that there is no formal, ongoing measure of effectiveness for the unit. Presently, there are staff meetings held between the Co-ordinator of Community Renewal and the Community Renewal Officers on a regular basis. As well, there are staff meetings held on a regular basis, at a managerial level with the Director of Community Development. Performance appraisals are carried out at all levels within the Department. Similarly, the capital and current budget processes necessitate an overall review of the previously performed projects and goals for future years. These processes are not possible without this type of analysis.

The Review Team also points out that the staff members in the Community Renewal Section generally have behavioural science rather than technical backgrounds. For the purposes of rebuttal, we can divide the Community Renewal Section into two basic functions: a technical implementation stage and a social planning stage. During the hiring process, one must make a decision about hiring the best possible candidate. Whether the future employee has the technical education and background or has the social service education and background still leaves you with an either or situation which necessitates extra training on the job experience in one or the other of the fields. It is for this reason, that the incumbents should be sent to City sponsored training programs to upgrade on the technical aspect of the job. If one expects that those performing the Community Renewal functions would have both of these backgrounds then the existing pay level would require reevaluation and upgrading.

Notwithstanding this for all Community Renewal projects coordinated through the Department of Community Development, a consultant is hired to work with City and Regional staff and the public, to advise on matters requiring technical/design input.

HOUSING LOANS

The Department acknowledges that the Ontario Home Renewal Programme (OHRP) Fund is substantial but our ability to commit the funds is beyond our responsibility as the Programme Guidelines developed by the Province no longer reflect present income levels of applicants. This will be resolved shortly and funds will once more be committed as the need and demand for rehabilitation funds continue.

It is anticipated that this fund will be fully committed within three or four years assuming the pending Provincial changes are positive. It should be noted that these are Provincial funds and they cannot be used for any other purpose.

The loans section over the years has attempted to reduce the drop out rate but because of the voluntary nature of the programme, it is impossible to force people to finalize their applications. The reasons for dropping out have been analyzed on more than one occasion and some of the reasons are as follows:

- a) not enough grant to cover all work
- b) work owner wants to undertake not eligible
- c) income verified at higher level than originally reported
- d) owner decides to sell
- e) owner not prepared to do all work required and partial rehabilitation not permitted
- f) inspection done and owner proceeds on own
- g) death of applicant
- h) not owner of property

The Department has requested a micro-computer, and related software to help in the monitoring and delivery of the twenty (20) various loan Programmes. If and when the micro becomes available, it will help monitor the drop-out rate, and aide in the flow of applications and help avoid unnecessary delays.

The observation that the Housing Loan Unit might fit more appropriately within the Treasury Department or with the Property Department cannot be rationally justified.

- (1) The Department administers over twenty (20) different Programmes and only four (4) have any connection with the Treasury Department. Treasury provides a service of holding programme money and issuing cheques on these accounts based on Community Development's authorization. The money for other loan programmes are issued by the Province, Ontario Mortgage Corporation or Canada Mortgage and Housing Corporation.

- (2) The Property Department's responsibilities involve the acquisition of property for Municipal or Regional Programmes, as well as maintenance responsibilities for City owned property. The loan programmes do not deal with acquisition and only apply to non-Municipal properties.

There is presently no overlap by any other department, and it is important that the Loan Programmes remain closely connected with the Business Improvement Area Programmes (B.I.A.'s) Downtown Revitalization Programmes and P.R.I.D.E. Programmes because of the Rental, Heritage, Convert-to-Rent and Facade Loan Programmes.

WATERFRONT PROJECT

In general, the Auditors assessment of the past and present status of the Waterfront Park Project is accurate. In addition, the Consultants correctly note that the future requirements of the Waterfront Project management and coordination will be determined by the results of the current, ongoing Waterfront projects and studies. However, the assumptions that the present Co-ordinator, (although perceived as "doing well"), is "working near the upper limits of his technical skill and experience with large projects", and that "the demands of the project may quickly outstrip his personal rate of development" are unfounded.

The Auditors state that "since there is a plan in place to monitor the ongoing structural needs of the Waterfront Project as new information is received, the review team believes that all appropriate action is being taken to promote ongoing effectiveness". This being the case, it would seem more appropriate to evaluate the capacities of the Co-ordinator at a time when the future direction of the Waterfront Project is clearly established, rather than to speculate on the management of an, as of yet, undetermined project.

It should also be noted that although provided as references, some significant contributors to the Waterfront Project were overlooked in the interview process. Among others, who should have been interviewed are the Mayor, Alderman Copos (Chairman, Waterfront Parks Sub-committee), Alderman Hinkley and Mr. J. Berridge, Landscape Design Consultant for the 1985 Waterfront Master Plan.

MUNICIPAL NON-PROFIT HOUSING CORPORATION

- * Over the past year it has become apparent that with the existing inventory of Municipal Non-Profit Housing units and the potential for additional development, current staff levels cannot be maintained. Currently, the M.N.P.H.C. has an inventory of 192 existing units with an additional 66 units in the planning stages. In addition, Provincial commitments for 300 units have been received, for development over the next 3 to 5 years.

As a result of these ongoing concerns, on March 31, 1989, a report on a proposed staff re-organization for the M.N.P.H.C. was presented to the Board of Directors of the Corporation. The report recommended the following additional staff/services be provided by the appropriate departments to meet non-profit housing corporation's request for additional services, on a charge-back basis:

- i) The Property Department -
 - a) a Senior Property Manager and clerk typist in the Architectural Division; and,
 - b) 610 man hours of staff time from the Real Estate Division.
- ii) Treasury Department -
 - a Housing Accountant
- iii) Community Development Department -
 - an Assistant to the General Manager

On April 7, 1989, the Board of Directors approved the above changes.

At this point in the development of the Non-Profit Housing Corporation, it was suggested that the purchase of service from various departments should be pursued rather than providing for more M.N.P.H.C. staff. The basis for this recommendation is that current levels of development and operation do not require full-time staff. As a result, the M.N.P.H.C. will only be charged for part of the new staff member's time contributed to non-profit housing. All costs associated with the reorganization will be covered by the Non-Profit Program.

As a result of these additional staff members, it is suggested that concerns identified in the Comprehensive Audit Report, will now be addressed. For example, with the addition of technical expertise in the Treasury Department and Architect's Department, it is hoped that the General Manager will have the appropriate technical skills in order to properly monitor and oversee the construction of new residential development as well as maintain the appropriate financial review and accountability, as suggested.

In addition, it should be noted that for the development of each M.N.P.H.C. project, a project architect is hired to develop plans for the construction of the development, as well as, oversee construction. The project architect is responsible for all of the construction activity occurring during the development of the project.

On this basis all the necessary expertise in order to develop and maintain M.N.P.H.C. is available to the General Manager.

* Kiwanis Non-Profit Homes had been selected through a tendering process to be the property managers for the M.N.P.H.C. Ongoing review has occurred by the Board of Directors annually. In 1989, review of Kiwanis contract will be undertaken by the Board of Directors in the late summer/fall which at that time the Board may wish to tender for the property managers. It should be noted that to date, Kiwanis has done an excellent job for the M.N.P.H.C. and managed the projects through the provision of a maximum level of property maintenance and good tenant relations.

* Investigations are currently ongoing to examine opportunities for the amalgamation of the M.N.P.H.C. with the Hamilton Housing Company Limited. It is expected that a report on this issue will be submitted to the respective Board of Directors this Fall.

* Inferences are made on Page 18 that construction deficiencies at 772 Upper Paradise, the first M.N.P.H.C. project, are a result of the qualifications of the current and past General Manager of the M.N.P.H.C. It should be noted that the responsibility for the development of this project was with the City Architect's Department, which provided the required construction experience. Further, this was a turn-key project and different from all subsequent projects which do not have any serious construction deficiencies.

Construction deficiencies have been identified and steps are being taken to remedy them.

* Regarding comments on page 18 on construction delays, it should be noted that serious delays had only occurred in one project: the Wentworth St. School. Delay in the construction of the school, at that time, should be attributed to construction difficulties as a result of reconstruction of an existing building. It should be further noted that construction of the latest M.N.P.H.C. project at 1150 Limeridge Road East appears to be ahead of schedule at this time.

* Regarding comments that the M.N.P.H.C. does not provide any better or different housing than what could be provided by the private non-profit sector, it should be noted that the City has now taken steps to provide unique housing within Hamilton. For example, the renovations of the Wentworth Street School, the establishment of housing for single persons and the provision for second stage housing for battered women within M.N.P.H.C. projects.

The Department is also presently negotiating with the Province of Ontario on a Housing Agreement which will include innovative approaches to Non-Profit Housing geared to the Hamilton market.

In addition, the M.N.P.H.C. has received a reserve allocation of 300 units under the Homes Now Program that would not have been likely designated within the City, if the M.N.P.H.C. did not exist.

- * Also a landbanking program in the City of Hamilton would be extremely expensive to implement considering the cost of purchasing and carrying costs associated with these lands for a period of five years or more.

It should be noted that a landbanking program would significantly differ from the current \$5 million dollar land acquisition program in which funds are used to up-front the capital costs associated with the purchase of sites for M.N.P.H.C. These funds are traditionally used for the short term and are repaid once mortgage commitment funds had been available.

It is expected that funds which would be substantially larger than the current \$5 million dollar program, would have to be required in order to implement an effect landbanking program.

- * It should be noted that all funds for the development and operation of M.N.P.H.C. projects are recovered through the following:

- 1) rental income from tenants occupying the units;
- 2) Provincial subsidies;
- 3) Federal subsidies through C.M.H.C.

As a result, M.N.P.H.C. projects can be operated and developed at no or little cost to the City.

- * It should be noted that the only private non-profit developer interviewed in the City of Hamilton was Louis Serafini, who is a private developer. It is questioned why groups such as Kiwanis Non-Profit Homes, Victoria Non-Profit Homes and Jubilee Consulting were not also interviewed in order to determine the local perspective on the M.N.P.H.C.

- * In order to assist in the implementation of the Report's recommendations, particularly those dealing with the need for financial accountability and meeting current workload requirements, it is suggested that 2 micro computers be provided for existing staff.

OCT 12 1989

14.



THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

Department of Social Services
119 King Street West, 13th floor
Hamilton, Ontario

526-4333

P.O.

870.1

October 12, 1989

MEMO TO: Alderman David Christopherson
FROM: M. J. Schuster, Commissioner, Social Services
SUBJECT: SOCIAL SERVICES DEPARTMENT STAFF COMMENTS ON
ZONING APPLICATION - 10 HERKIMER STREET

I have reviewed this matter with Norma Walsh, Director of Social Planning and Policy Development, who is responsible for the review of all such applications and prepares reports for my signature. Both Norma and I agree that the comments "The Durand Neighbourhood Association strongly suggest that they be asked for comments regarding this expansion plan" were not made from a Social Services perspective in this regard.

In this particular situation, Norma wanted to bring to the attention of the Committee the historical relationship that this particular home had with the Association. In future, such comments will be made to the appropriate departmental Planning and Development staff.

Hopefully this resolves the above matter.

M. J. Schuster

MJS:rh

FOR ACTION

15.

REPORT TO: Mrs. S. Reeder, Secretary
Planning & Development Committee

FROM: Paul Fisher, Co-ordinator
Committee of Adjustment

DATE: 1989 October 24
COMM. FILE: 514-2-210-2-0-1
DEPT. FILE:

OCT 24 1989

SUBJECT:

Alderman H. Merling and Alderman F. Lombardo terms of office serving on the Committee of Adjustment.

RECOMMENDATION:

This a reminder that the terms of office of the above two council members on the Committee of Adjustment expire in the near future in accordance with Section 43(3) of The Planning Act.

Section 43(3) of The Planning Act states that members of the Committee of Adjustment who are members of municipal council shall be appointed annually. Kindly take appropriate action.

FINANCIAL IMPLICATIONS: (IF NONE, STATE N/A)

N/A

BACKGROUND:

Paul Fisher



CITY COUNCIL
HAMILTON CANADA

16.

P5-4-3-2-2

October 4, 1989.

Members of the City of Hamilton
Planning and Development Committee.

Re: Business Land Use Advisory Board
Comment on ZA-89-55 -- 286 Sanford Avenue North

The Business Land Use Advisory Board, at their meeting of September 18, 1989, were advised of the above-noted zoning application now before the Committee. As you are aware, this is an application to rezone the subject property from "K" to "E" modified, to permit the conversion of the existing building to a maximum 74-unit co-operative non-profit multiple dwelling. At your meeting of August 16, 1989, this application was Tabled pending the submission of a professional acoustical study to be reviewed by the Ministry of Environment.

The Business Land Uses Advisory Board discussed this matter in some detail and finally directed that:

"... staff ... forward a report to the Planning and Development Committee advising that the Board support this application in principle, subject to all the environmental concerns being adequately addressed".

Accordingly, I am bringing this matter to your attention at the request of the Business Land Use Advisory Board.

Yours truly,

Alderman John Smith,
Chairman,
Business Land Use Advisory Board.


JS/II

cc: Victor J. Abraham,
Director of Local Planning.

FOR ACTION

17.

REPORT TO: SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT COMMITTEE

DATE: October 23, 1989

COMM FILE:

DEPT FILE:

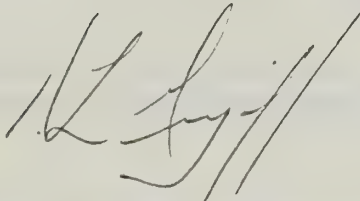
FROM: J. D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

SUBJECT: Proposed Amendment No. 45 to the Hamilton-Wentworth Official Plan

RECOMMENDATION:

That the Planning and Development Committee recommend to Council that:

- (1) The Regional Municipality of Hamilton-Wentworth be notified that proposed Amendment No. 45 to the Hamilton-Wentworth Official Plan does not conflict with the planning intentions of the City of Hamilton; and,
- (2) The City Clerk be directed to inform the Regional Municipality of Hamilton-Wentworth regarding (1) above.



A. L. Georgieff, M.C.I.P.
Director of Local Planning

FINANCIAL IMPLICATIONS:

N/A

EXPLANATORY NOTE:

The Regional Municipality of Hamilton-Wentworth has requested the City's comments on proposed Amendment No. 45 to the Hamilton-Wentworth Official Plan. The purpose of the proposed Amendment is to allow the sale of motor vehicles on a 0.718 hectare (1.775 acre) site, located on the north-east corner of Twenty Road East and Highway No. 6 in the Township of Glanbrook.

BACKGROUND:

Regional Council has directed circularization of proposed Amendment No. 45 to the Hamilton-Wentworth Official Plan (see Appendix A). As such, the City has been requested to review and comment on the proposed Amendment.

The subject lands are located on the north-east corner of Twenty Road East and Highway No. 6, within a proposed Industrial-Business Park. The Regional Official Plan limits uses in the area to airport-related commercial uses; the sale of motor vehicles is not permitted. The purpose of the proposed Amendment is to allow the sale of motor vehicles on the site by introducing a site specific text change to the Regional Official Plan.

BASIS OF THE AMENDMENT:

The proposed use would be compatible with the nature of existing development north of Twenty Road and east of Highway No. 6. On this basis, Regional Council considers the proposed use appropriate.

ANALYSIS:

The proposal would not adversely affect the planning intentions of the City of Hamilton for the following reasons:

- the subject lands are located over 500 meters south of the City limits;
- a hydro corridor, located immediately south of Hamilton city limits, provides a buffer between established and proposed residential uses in the City and the proposed airport-related commercial uses in Glanbrook; and,
- the proposed motor vehicles sales establishment would be compatible to the range of airport-related commercial uses currently permitted by the Regional Official Plan, such as hotels and motels, convention and exposition centres, restaurants, automobile rental leasing and servicing, gas stations, etc.

CONCLUSIONS:

Based on the foregoing, proposed Amendment No. 45 to the Hamilton-Wentworth Official Plan does not conflict with the planning intentions of the City of Hamilton.



THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

Planning and Development Department
119 King Street West, 14th floor
Hamilton, Ontario

Mailing Address:
P.O. Box 910, Hamilton, Ontario
L8N 3V9

APPENDIX "A"

October 5, 1989

RECEIVED

OCT - 6 1989

Refer to File No.

R 471.78

Attention of

Your File No.

CITY CLERKS

Clerk
City of Hamilton
City Hall
71 Main Street West
Hamilton, Ontario
L8n 3T4

Dear Sir/Madam:

RE: Proposed Amendment No. 45
to the Hamilton-Wentworth Official Plan

Regional Council, at its regular meeting held on October 3, 1989, directed the circularization of the above-noted proposed Official Plan Amendment.

Your comments regarding the attached proposed Amendment would be appreciated by November 6, 1989.

Inquiries relating to this matter may be directed to either Gary Wilson at 526-4320 or Al. Glazebrook at 526-4387.

Yours truly

William R. Pearce, M.C.I.P.
Head - Plans Administration Division

~~ALG/sw~~
Attach.
WP 0467P.51

AMENDMENT NO. 45

TO

THE REGION OF HAMILTON-WENTWORTH OFFICIAL PLAN

HAMILTON-WENTWORTH PLANNING AREA

AUGUST, 1989

TABLE OF CONTENTS

ADOPTING BY-LAW OF
THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

PART I THE CERTIFICATION

CERTIFICATE PAGE

APPROVAL PAGE OF THE MINISTER OF MUNICIPAL AFFAIRS

PART II THE PREAMBLE

1. TITLE
2. COMPONENTS OF THIS AMENDMENT
3. PURPOSE
4. LOCATION
5. BASIS

PART III THE AMENDMENT

1. INTRODUCTION
2. DETAILS OF THE AMENDMENT

PART IV APPENDIX

THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

BY-LAW NO. R

BEING A BY-LAW TO ADOPT AMENDMENT NO. 45 TO THE OFFICIAL PLAN FOR THE HAMILTON-WENTWORTH PLANNING AREA ATTACHED TO AND FORMING PART OF REGIONAL BY-LAW NO. _____.

The Council of the Regional Municipality of Hamilton-Wentworth in accordance with the provisions of Sections 17 and 21 of The Planning Act, S.O. 1983, Ch. 1, hereby enacts as follows:

1. THAT the text attached hereto and so designated is hereby adopted as Amendment NO. 45 to the Official Plan for the Hamilton-Wentworth Planning Area.
2. THAT the Clerk of the Region is hereby directed to forward Amendment No. 45 to the Official Plan for the Hamilton-Wentworth Planning Area, to the Minister of Municipal Affairs for approval.
3. THAT the Official Plan attached to and forming part of By-law No. _____ is hereby amended by adding thereto the text attached hereto.
4. THAT this By-law shall come into force and take effect on the date of its final passing.

READ a first, second, and third time and finally passed and enacted

this _____ day of _____, 1989.

Chairman

Clerk

PART I - THE CERTIFICATION

AMENDMENT NO. 45

TO THE REGION OF HAMILTON-WENTWORTH OFFICIAL PLAN
THE HAMILTON-WENTWORTH PLANNING AREA

Amendment No. 45 to the Region of Hamilton-Wentworth Official Plan, Hamilton-Wentworth Planning Area, consisting of the explanatory text was prepared by the Planning and Development Department of the Regional Municipality of Hamilton-Wentworth and adopted by Regional Council by By-law No. _____ in accordance with Section 17 of the Planning Act, S.O. 1983, Ch. 1, on the _____ day of _____, 1989.

Chairman

Clerk

PART II - THE PREAMBLE

1. TITLE

This Amendment shall be known as Amendment No. 45 to the Region of Hamilton-Wentworth Official Plan, Hamilton-Wentworth Planning Area.

2. COMPONENTS OF THIS AMENDMENT

Only that part of this document entitled "Part III" - The Amendment", comprising the text, constitutes Amendment No. 45 to the Region of Hamilton-Wentworth Official Plan, Hamilton-Wentworth Planning Area.

3. PURPOSE OF THIS AMENDMENT

This Amendment is intended to allow the sale of motor vehicles on a 1.775 acre parcel of land by allowing this use in addition to the uses specified in Policy #2.3.1(a) of the Hamilton-Wentworth Official Plan.

4. LOCATION OF THE AMENDMENT

The lands affected by this Amendment are located on the northeast corner of Twenty Road East and Highway #6, Being part of Lot 6, Concession 1, former Township of Glanford, now in the Township of Glanbrook. The site is shown on the attached Appendix being Part IV of this Amendment.

5. BASIS OF THE AMENDMENT

The proposal to allow for the sale of motor vehicles on this 1.775 acre parcel in the Industrial-Business Park would be compatible with the nature of existing development north of Twenty Road and East of Highway #6.

On this basis, Regional Council considers the proposed use appropriate and suitable.

PART III THE AMENDMENT

1. INTRODUCTION

The whole of this part of the document entitled Part III - The Amendment, which consists of the following text constitutes Amendment No. 45 to the Region of Hamilton-Wentworth Official Plan, Hamilton-Wentworth Planning Area.

2. TEXT CHANGE

The Region of Hamilton-Wentworth Official Plan, Hamilton-Wentworth Planning Area is amended by adding to the end of Policy 2.3.1(a) the following paragraph:

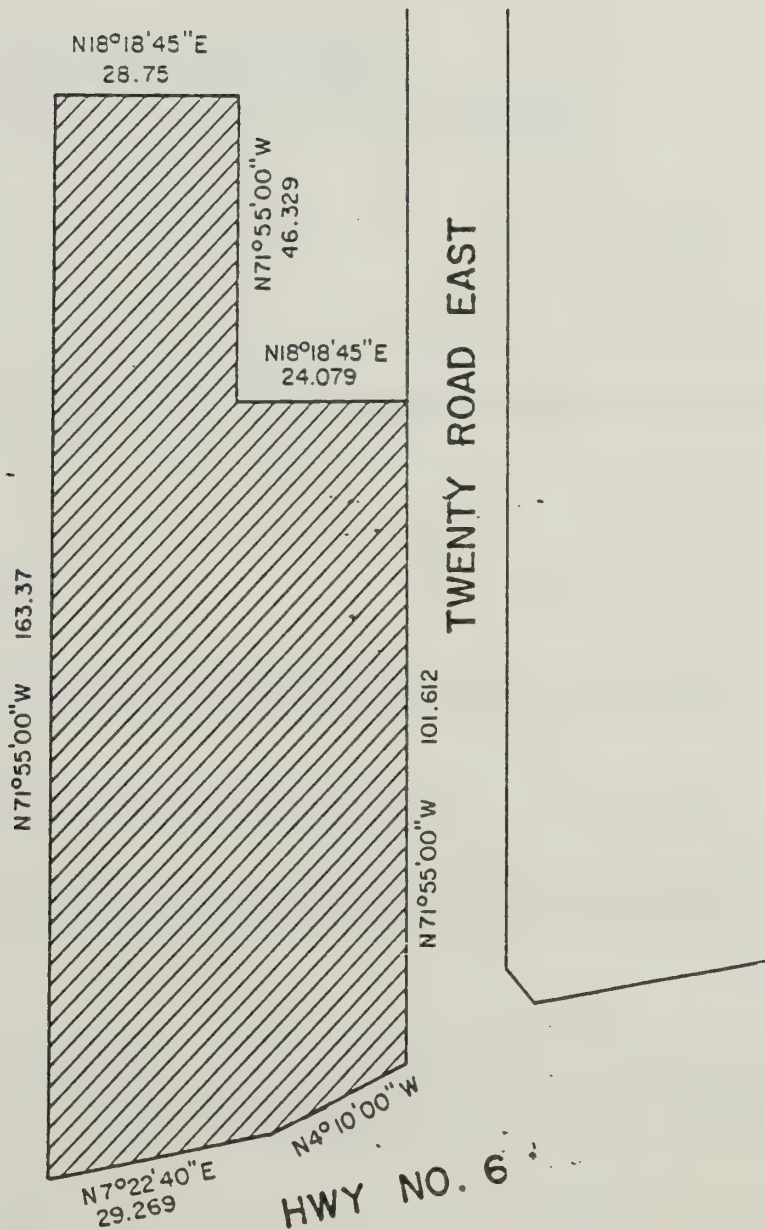
Notwithstanding the provisions of Policy 2.3.1(a), the sale of motor vehicles may be permitted on a 1.775 acre site located on the northeast corner of Twenty Road East and Highway #6, being part of Lot 6, Concession 1, former Township of Glanford, now in the Township of Glanbrook.

PART IV
THE APPENDIX

APPENDIX MAP NO. 1
TO AMENDMENT NO. 45

TO THE REGION OF HAMILTON - WENTWORTH OFFICIAL PLAN
HAMILTON-WENTWORTH PLANNING AREA

PLAN SHOWING
PART OF LOT 6 - CON. 1
TOWNSHIP OF GLANBROOK



LANDS AFFECTED BY OFFICIAL PLAN AMENDMENT NO. 45

18a.

FOR ACTION

REPORT TO: SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT COMMITTEE

DATE: October 10, 1989
COMM FILE:
DEPT FILE:

FROM: J.D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

SUBJECT

Opportunities for the improvement of Main Street West between the Main Street West exit on Hwy. 403 and Queen Street.

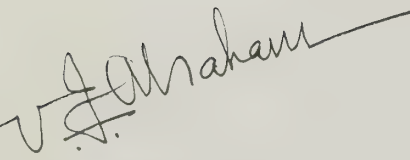
RECOMMENDATION

That the Planning and Development Committee recommends to Council that:

1. The "Main Street West" concept be accepted.
2. The Planning and Development Department includes in its 1990 Work Program Land Use and Neighbourhood Planning studies of the Main Street West corridor and the adjacent areas.
3. Main Street West from the East side of Locke Street to the west side of Queen Street become the first phase of the implementation schedule since the Community Development Department has already established a Business Improvement Area (B.I.A.) on this section of Main Street West.

4.: The Planning and Development Department be directed to study:

- "Opportunities for improvement of the visual environment of Hwy. 403 from the City limits to the Main Street West exit"; and
- "Opportunities for improvement of Main Street West from Queen Street to Victoria Street".



V. J. Abraham, M.C.I.P.
Director of Local Planning

FINANCIAL IMPLICATIONS

N/A

EXPLANATORY NOTE

This report presents an Urban Design Analysis and a plan of action. The whole corridor, i.e., from the Main Street West exit on Hwy 403 to Queen Street, is divided into nine areas. A list of priorities would determine the sequence of private and public actions and initiatives, as described in the implementation strategy at the end of the report.

V.M.:NS
A:\REPMAINW

FOR ACTION

18b

REPORT TO: Mrs. S. K. Reeder
Secretary, Planning and Development Committee

FROM: Mr. E. W. Kowalski
Director of Community Development

DATE: 1989 October 26
COMM FILE:
DEPT FILE: 800-0014.12

SUBJECT: Commercial Improvement Programme;
Main Street West Business Improvement Area (Potential)

RECOMMENDATION:

- a) That, streetscaping improvements to Main Street West from Locke to Queen Streets as prepared and presented by Basciano-O'Connor Landscape Architects Ltd. be approved at a total estimated gross cost of five hundred and eight thousand dollars (\$508,000.). (approximately 25% of these costs will be offset by the Regional Engineering Road and Sidewalk Reconstruction Budget and the Hamilton Hydro Electric Systems' Budget); and,
- b) That, Commercial Improvement Programme funds be utilized for the City's portion of this project at an estimate of three hundred and fifty thousand dollars (\$350,000.) including contingencies.
- c) That, the Community Development Department, with the input of the B.I.A. and other neighbourhood and business groups, the Urban Design Committee, the Planning Department and other appropriate departments, develop a list of priorities, a schedule of implementation of the remaining phases of Main Street West from Highway 403 to Queen Street, and method of financing.

FINANCIAL IMPLICATIONS: (IF NONE, STATE N/A)

Of the 2.5 million dollars originally approved under the Commercial Improvement Programme, approximately nine hundred and six thousand dollars (\$906,000.) has been expended or committed. Therefore, there are sufficient funds available for the Main Street West Project.

BACKGROUND:

The Ward One Aldermen and staff from the City and Region have been meeting with Main Street West merchants for over two years in an effort to provide some planning and redevelopment strategies for the key entrance point for motorists into the west end of the City. The report prepared by V. Matus, Architect, Planning and Development Department will clarify this. Recently, these efforts have focused on Main Street West from Locke to Queen Streets for the purpose of forming a B.I.A.

Since the Region and Hamilton Hydro Electric Systems are planning to reconstruct the road and sidewalks, including burial of all overhead wires and transformers on Main Street West it was important for any streetscaping proposals under the Commercial Improvement Programme to be dealt with quickly.

Therefore, Basciano-O'Connor Landscape Architects Ltd. were hired to review the existing streetscaping and propose new concepts to be incorporated with the Regional work.

If these concepts are approved, they will be implemented in the first half of 1990.

cc: Mr. D. Onishi, Director of Engineering Services
Engineering Department

Mr. B. Brown
Hamilton Hydro Electric Systems

Ms. M. Farrugia
Calla Decor and Design

Mr. F. Basciano
Basciano-O'Connor Landscape Architects Ltd.

FOR ACTION

19.

REPORT TO: SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT
COMMITTEE

DATE: October 17, 1989
COMM FILE:
DEPT. FILE: ZA-89-39
Rosedale
Neighbourhood

FROM: J. D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

SUBJECT:

Request for a modification of zoning - property located at no. 404 Cochrane Road South.

RECOMMENDATION:

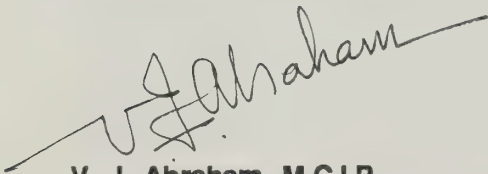
That approval be given to Zoning Application 89-39, Mrs. Frances Marchetti, owner, for a modification to the established "C" (Urban Protected Residential, etc.) District regulations to permit a hairdressing business as a home occupation use, for property located at no. 404 Cochrane Road South, as shown on the attached plan marked as APPENDIX "A", on the following basis:

- i) That the "C" (Urban Protected Residential, etc.) District regulations as contained in Section 9 of Zoning By-Law No. 6593, applicable to the subject lands, be modified to include the following variances as special requirements:
 - a) That notwithstanding paragraphs (f) and (h) of Section 2(2)H.(iii), hairdressing shall be permitted as a home occupation on the following basis:
 1. it is carried on by not more than one hairdresser having a principal and permanent place of residence on the premises; and,
 2. there is not more than one comb-out centre and one styling sink.
- ii) That the amending By-Law be added to Section 19B of Zoning By-Law No. 6593 as Schedule S- , and that the subject lands on Zoning District Map E-76 be notated S- ;
- iii) That the City solicitor be directed to prepare a By-Law to amend Zoning by-Law No. 6593 and Zoning District Map E-76 for presentation to City Council;
- iv) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

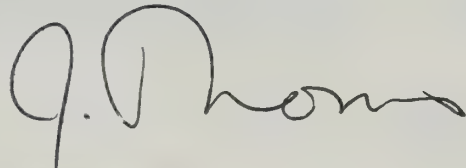
EXPLANATORY NOTE

The purpose of this By-Law is to provide for a modification to the established "C" (Urban Protected Residential, etc.) District regulations applicable to property located at No. 404 Cochrane Road South, as shown on the attached map.

The effect of the By-Law is to permit a hairdressing business as a home occupation use, for one hairdresser who resides on the premises as their principal place of residence.



V. J. Abraham, M.C.I.P.
Director of Local Planning



J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

FINANCIAL IMPLICATIONS:

N/A

BACKGROUND:

It is the applicant's intention to establish a hairdressing business as a home occupation use within a portion of the dwelling with one comb-out centre, one styling sink and one dryer.

APPLICANT:

Mrs. Frances Marchetti, owner.

LOT SIZE AND AREA:

- 15.24m (50.0 ft.) of lot frontage on Cochrane Road South;
- 33.53m (110.0 ft.) of lot depth; and,
- 510.96m² (5,500 sq. ft.) of lot area.

LAND USE AND ZONING

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	Single-family dwelling	"C" (Urban Protected Residential, etc.) District

Surrounding Lands

To the north	Single-family dwelling	"C" (Urban Protected Residential, etc.) District, and "G" (Neighbourhood Shopping Centre, etc.) District
To the south	Single-family dwellings	"C" (Urban Protected Residential, etc.) District
To the east	Single-family dwellings	"C" (Urban Protected Residential, etc.) District
To the west	hydro power line corridor	"C" (Urban Protected Residential, etc.) District

OFFICIAL PLAN:

Designated "Residential" on Schedule "A" - Land Use Concept of the Official Plan, and subject to among others, the following policy:

- "A.2.1.4. Home Occupation uses may be permitted subject to Council's satisfaction that the following provisions are, or will be, adequately met:
- i) a Home Occupation will be carried on within a dwelling unit only by an owner occupying the dwelling, and employing only immediate family members that also occupy the dwelling;
 - ii) a Home Occupation will occupy only a limited floor area of the dwelling; and,
 - iii) the Home Occupation use will not detract from the RESIDENTIAL character of the area."

On the basis of the foregoing, the proposal complies with the intent of the Official Plan.

NEIGHBOURHOOD PLAN:

A Neighbourhood Plan is not available for the Rosedale Neighbourhood.

COMMENTS RECEIVED

- The Building Department, Traffic Department, Hamilton Region Conservation Authority and the Local Architectural Conservation Advisory Committee Staff have no comments or objections.

- The Hamilton-Wentworth Engineering Department has advised that:

"...public watermains as well as separate storm and sanitary sewers are available to service the subject lands.

In the absence of any details shown we advise that any works which may occur within the Cochrane Road South road allowance must conform to the City of Hamilton Streets By-Law."

COMMENTS

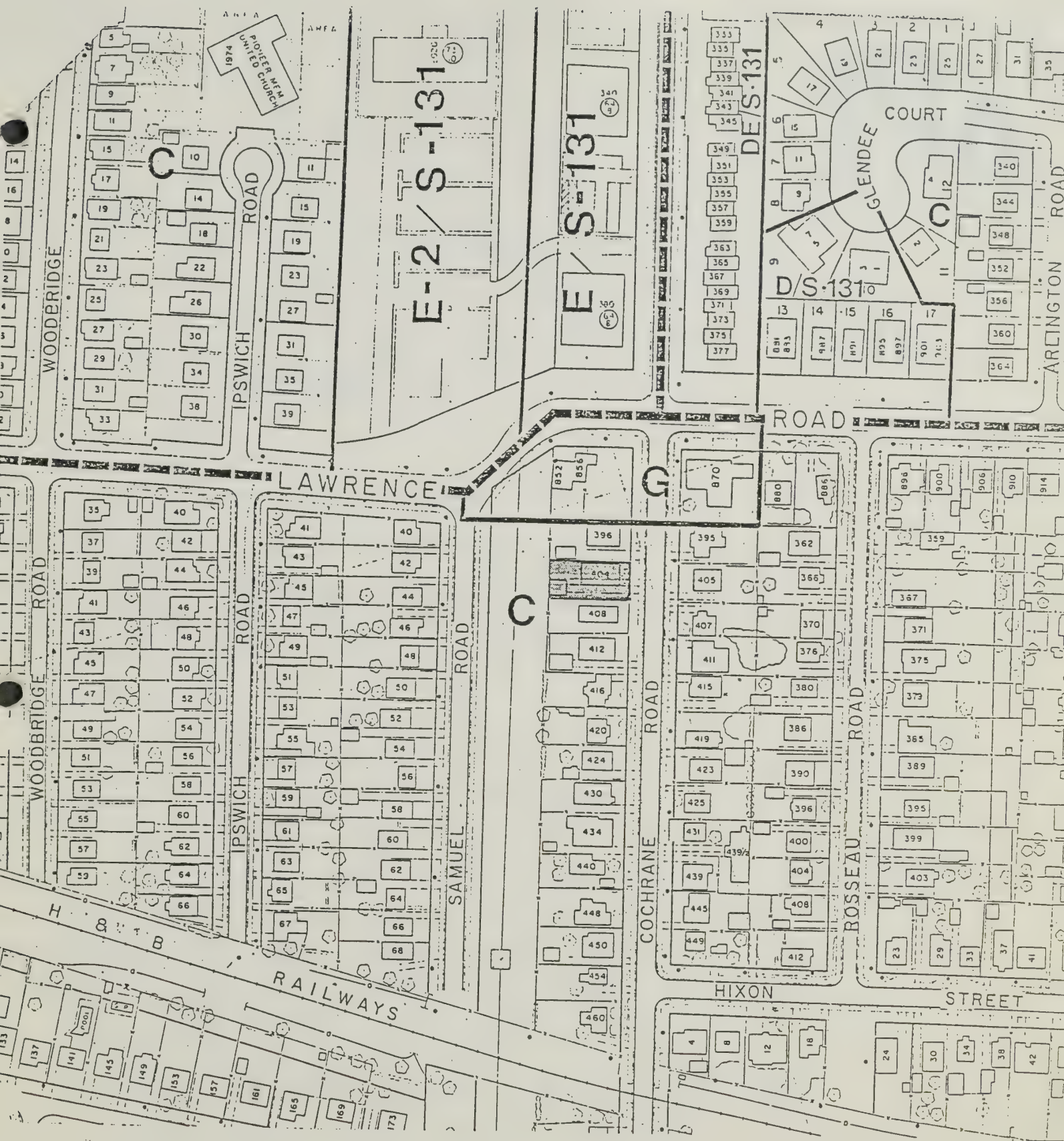
1. The proposal would not conflict with the intent of the Official Plan.
2. The Planning and Development Committee, and City Council, are on record as supporting a number of similar applications to establish hairdressing as a home occupation. Each operation approved was limited to one hairdresser living on the premises, one comb-out centre and one styling sink.

The size limitations placed on hairdressing as a home occupation has effectively reduced the problems associated with this use. To our knowledge, the Building, Health, and Traffic Departments have received no complaints respecting these facilities.

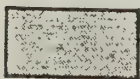
3. The proposal has merit and can be supported for the following reasons:
 - a) the business is only part time in nature and is primarily related to the walk-in trade from area residents;
 - b) the property has a double-car garage and paved double car driveway so it should not adversely affect the demand for on-street parking in this area;
 - c) the business would be restricted to a limited amount of floor area within the dwelling (15%);
 - d) the business would not alter the residential character of the existing dwelling.

CONCLUSION

On the basis of the foregoing, the application can be supported.



LEGEND



SITE OF THE APPLICATION



19a

JOHN CURRIE

395 COCHRANE ROAD

HAMILTON ONT

L8K 3G8

OCT 25 1989

Nov 1989

Dear Sir,

I am in favour of Mrs F
Marshall's development business, and
will not change the outward appearance
of the area however my concern is
will this open the door to less desirable
business?

I was opposed to the opening
of Pete's restaurant but we were assured
by Mr Price and Alderman Tomlinson
that it would enhance the area,
however, this has not been the case, as
my wife and myself are continually
reporting to the Health Dept. the
condition of the parking lot adjacent to
my house.

Thanking you in anticipation

Yours truly

John Currie

PROPOSED CHANGE - MODIFICATION TO THE C DISTRICT REGULATIONS

PROPERTY DESCRIPTION - NO 404 COCHRANE ROAD SOUTH

I AM IN FAVOUR OF (V)

OCT 25 1989

OPPOSED TO () (PLEASE CHECK (V) WHICH)

THIS PROPOSED CHANGE

see attached letter

CURRIE JOHN
395 COCHRANE RD
HAMILTON ONT

L8K 368

PLEASE DIRECT INQUIRIES TO

PLANNING DEPT 526-4445

SIGNED

John Currie

.....
FILE-2A89-39 SEQ-00118
.....

FOR ACTION

20.

REPORT TO:

SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT
COMMITTEE

DATE: October 17, 1989

COMM FILE

DEPT FILE: ZA-89-65
Hampton
Heights
Neighbourhood

FROM:

J.D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

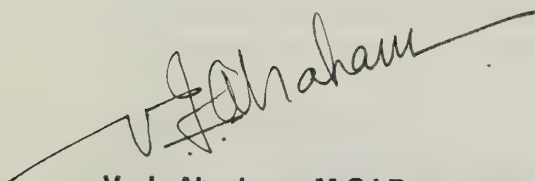
SUBJECT:

Request for a modification in zoning - No. 843 Mohawk Road East.

RECOMMENDATION:

That Zoning Application 89-65, Diton Construction, prospective owner, requesting a modification to the "C" (Urban Protected Residential, etc.) District, to permit the construction of a 3 storey residential care facility (retirement home) for the accommodation of 48 residents, for the property located at No. 843 Mohawk Road East, as shown on the attached map marked as APPENDIX "A", be DENIED for the following reasons:

- i) The proposed development is out of character in terms of height, bulk and density with the established development pattern of single-family dwellings.
- ii) It represents an intrusion of an insitutional type use into a stable single-family residential area: Under the "C" District regulations, the capacity of a residential care facility is restricted to 6 residents. The proposed facility would have 48 residents which is 8 times the permitted maximum;
- iii) It conflicts with the intent of the Official Plan; and,
- iv) Approval of the application may encourage other similar applications which, if approved, would undermine the intent and purpose of the Residential Care Facilities By-law.


V. J. Abraham, M.C.I.P.
Director of Local Planning.

FINANCIAL IMPLICATIONS:

N/A

APPLICANT:

Diton Construction, prospective owner.

LOT SIZE AND AREA:

- o 21.3m (69.9 ft.) of lot frontage on Mohawk Road East;
- o 60.96m (200 ft.) of lot depth; and,
- o 1,298.45m² (13,980 sq.ft.) of lot area.

LAND USE AND ZONING:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	Single-family dwelling	"C" (Urban Protected Residential, etc.) District
<u>Surrounding Lands</u>		
To the north east & west	Single-family dwellings	"C" (Urban Protected Residential, etc.) District
To the south	Single-family dwellings, hydro sub-station	"C" (Urban Protected Residential, etc.) District

OFFICIAL PLAN:

The subject lands are designated RESIDENTIAL on Schedule "A" - Land Use Concept. The following policies apply:

- "A.2.1.1. The primary uses permitted in the areas designated on Schedule "A" as RESIDENTIAL will be for dwellings. Various types of dwellings are included within this designation, while preference will be given to the locating of similar densities of development together.
- A.2.1.3. Within areas designated RESIDENTIAL, land uses compatible to dwellings and deemed necessary by Council to serve the needs of local residents will be permitted, including, but not limited to:
- (i) Schools, churches and similar institutional uses less than .4 hectare in size, in accordance with the provisions for Major Institutional Uses as set out in Subsection A.2.6 of this Plan.
- A.2.6.1. The primary uses permitted in the areas exceeding .4 hectare in size designated on Schedule "A" as MAJOR INSTITUTIONAL, will consist of cultural facilities, health, welfare, educational, religious, and governmental activities and related uses.
- However, such uses less than .4 hectare in site area will be permitted in areas designated Residential, provided they satisfy the requirements of Policy A.2.1.3. Further, notwithstanding the above site area requirements, MAJOR INSTITUTIONAL uses will also be permitted in areas designated Commercial as set out in Policy A.2.2.1. (O.P.A. No. 27).
- A.2.6.2. MAJOR INSTITUTIONAL USES may be located in Residential neighbourhoods and will be encouraged to locate where they will function as a focus for the neighbourhood and on sites adjacent to other Institutional Uses, or a Neighbourhood Commercial use to permit the sharing of parking and other facilities in accordance with the following provisions:
- (ii) The proposal is of a scale that will be compatible to, and integrate with, the character of established or approved development in the surrounding area..."

Based on Policy A.2.6.2 ii), the proposed structure is not considered to be compatible with or integrate with the surrounding single-family dwellings due to its height, bulk and density. In addition, it is not located on a site adjacent to other institutional uses, nor does it function as a focus for the neighbourhood.

Accordingly, the proposal conflicts with the intent of the Official Plan. However, if Council deems the development desirable, an amendment will not be necessary.

NEIGHBOURHOOD

There is no Neighbourhood Plan for Hampton Heights.

RESULTS OF CIRCULARIZATION

- o The following Departments and agency have no comments or objections:
 - Hamilton Region Conservation Authority;
 - Traffic;
 - Regional Police; and,
 - LACAC.

- o The Building Department has advised that:
 - "2. A residential care facility for the accommodation of not more than six residents only is permitted in a "C" zoning district.
 - 3. A residential care facility for the accommodation of forty-eight residents requires 16 parking spaces located on the lot."

- o The Hamilton-Wentworth Engineering Department has advised that:

"there are watermains as well as combined storm and sanitary sewers available to service the proposed development.

The designated road allowance width of Mohawk Road is 30.48 (100 feet). We do not anticipate any future road allowance widenings at this time.

Any works which may occur within the Mohawk Road, road allowance must conform to the Region of Hamilton-Wentworth Roads Use By-law."

COMMENTS:

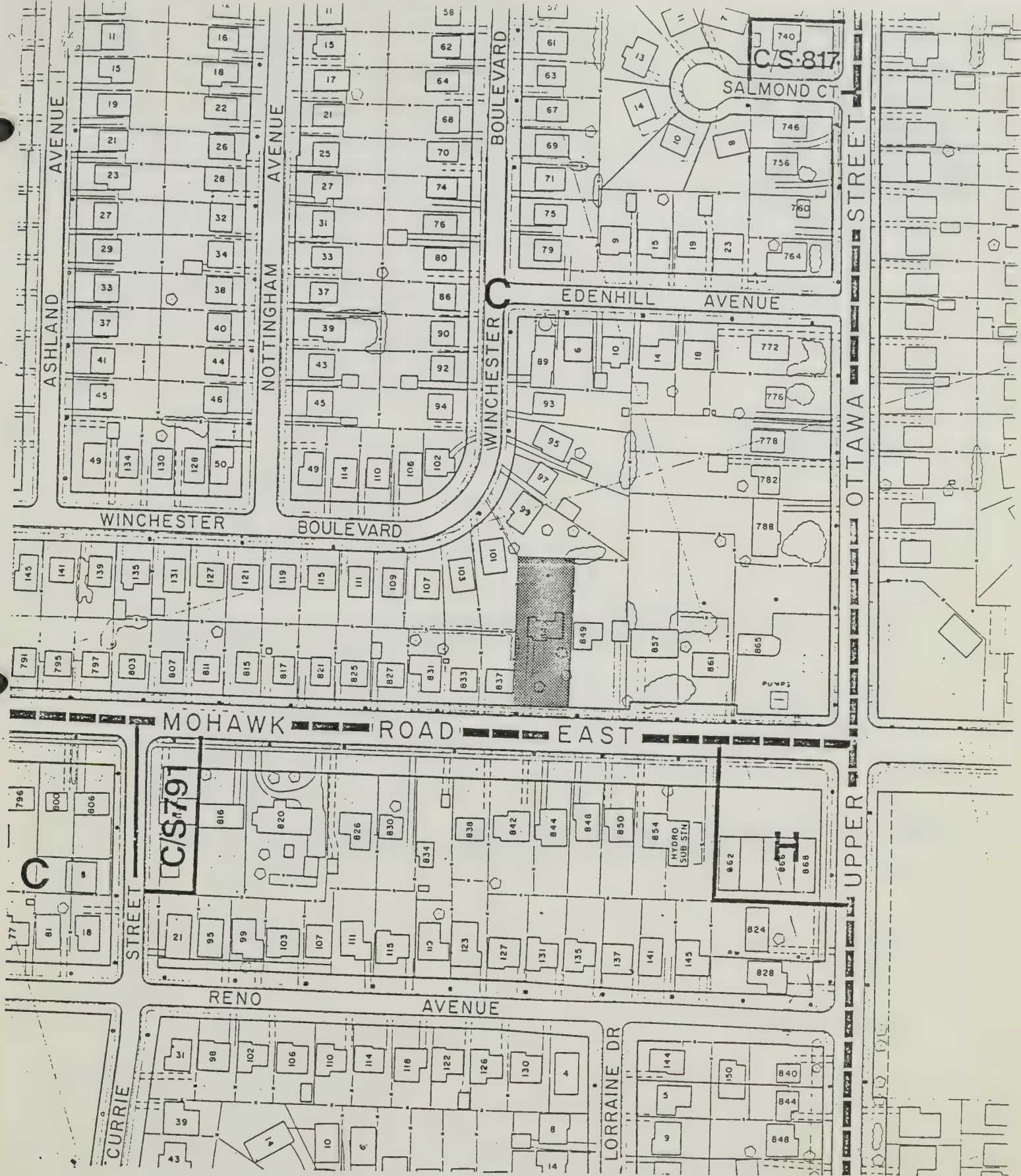
- 1) The proposal conflicts with the intent of the Official Plan. However, if Council deems the development desirable, then an amendment to the Plan will not be necessary.
- 2) There is no Neighbourhood Plan for the Hampton Heights Neighbourhood.
- 3) The proposed 3 storey, 48 resident, residential care facility (retirement home) cannot be supported for the following reasons:
 - a) it is out of character in terms of height, bulk and density with the established development pattern of single-family dwellings in the surrounding area;

- b) it would be an intrusion of an institutional type use into a stable single-family residential area. Under the "C" District regulations, the capacity of a residential care facility is restricted to 6 residents. The proposed facility would have 48 residents which is 8 times the permitted maximum;
- c) approval of the application may encourage other similar applications which, if approved, would undermine the intent and purpose of the Residential Care Facilities By-law.
- d) the proposal conflicts with the intent of the Official Plan.

CONCLUSION:

Based on the foregoing, the proposal cannot be supported.

JH-E/ma
WPZA8965



LEGEND



SITE OF THE APPLICATION



20a.

OCT 27 1989

90 Winchester Bd
Hamilton Ont
L8T 2M8

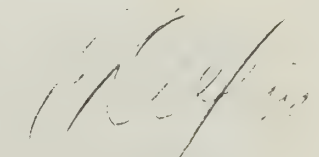
The Secretary
Planing and Development Committee
City Hall
71 Main st W
Hamilton Ont L8N 3T4

With reference to Diton Construction's application re Urban
Protected Residetial re 843 Mohawk Road East

I oppose to any change in both the Zoning and the Official
Plan of my residence area and hereby ask the Municipality
not to allow such changes with reference to the fact that
a moral and legal agreement exists for a status as is
between the Municipality and the undersigned since purchasing
the residence , and in the future.

I ask to be informed if the above rights of mine are threatened
to be overturned , and by whom , and by what power.

Yours truly


Conrad D Gris

21.

FOR ACTION

REPORT TO:

SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT
COMMITTEE

DATE:

October 23, 1989

COMM FILE

DEPT FILE:

ZA-89-75

Crerar

Neighbourhood

FROM:

J.D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

SUBJECT

Request for a modification in zoning - No. 1355 Upper Wellington Street.

RECOMMENDATION

That approval be given to Zoning Application 89-75, Bethel Gospel Tabernacle Church, prospective owner, requesting a modification to the established "AA" (Agricultural) District regulations to permit a day nursery for a maximum of 125 children within the existing church building, for property located at No. 1355 Upper Wellington Street, as shown on the attached map marked as APPENDIX "A", on the following basis:

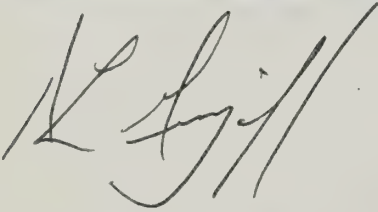
- i) That the "AA" (Agricultural) District regulations as contained in Section 7A of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following variances as special provisions:
 - a) That notwithstanding Section 7A(1) of Zoning By-law No. 6593, a day nursery for a maximum of 125 children shall be permitted only within the existing church building;
 - b) That notwithstanding Section 18A(1) of Zoning By-law No. 6593, a minimum of 21 parking spaces shall be provided for the day nursery;
- ii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and that the subject lands on Zoning District Map E-18C be notated S- ;
- iii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-18C for presentation to City Council; and,

- iv) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

EXPLANATORY NOTE

The purpose of the proposed By-law is to provide for a modification in zoning to the established "AA" (Agricultural) District regulations for property located at No. 1355 Upper Wellington Street, as shown on the attached map marked as Appendix "A".

The effect of the proposed By-law is to permit a day nursery for a maximum of 125 children within the existing church building. The By-law also provides for 21 parking spaces for the use of the day nursery.



**A.L. Geogleff, M.C.I.P.
Director of Local Planning**

FINANCIAL IMPLICATIONS

N/A

BACKGROUND

- Proposal

It is the applicant's intention to set up a day nursery for the care of up to 125 children within the existing church building.

- City Initiative 88-K

At its meeting held on June 28, 1988, City Council adopted the report of the Planning and Development Committee regarding Day Nurseries. The report outlined changes to the Official Plan and Zoning By-law No. 6593. With reference to the subject application, the report on day nurseries recommended that day nurseries be permitted in churches without limitation on size and parking, be provided at a ratio of one parking spot per six children. The amending By-law for these changes is currently being prepared for adoption by City Council.

APPLICANT

Bethel Gospel Tabernacle Church, prospective owner.

LOT SIZE AND AREA

The property is rectangular in shape having:

- 79.45 m (260.66 feet) of lot frontage on Upper Wellington Street;
- 204.83 m (672.01 feet) of lot depth; and,
- 1.63 hectares (4.02 acres) of lot area.

LAND USE AND ZONING

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	church	"AA" (Agricultural) District
<u>Surrounding Lands</u>		
to the north	single-family residences	"AA" (Agricultural) District
to the south	church	"AA" (Agricultural) District
to the west	single-family residences	"C" (Urban Protected Residential, etc.) District
to the east	vacant	"AA" (Agricultural) District

OFFICIAL PLAN

Designated MAJOR INSTITUTIONAL on Schedule "A" - Land Use Concept, the following policy is applicable:

- "A.2.6.1 The primary uses permitted in the areas exceeding 0.4 hectares in size designated on Schedule "A" as MAJOR INSTITUTIONAL will consist of cultural facilities, health, welfare, educational, religious and governmental activities and related uses."

Based on the above, the proposal complies with the intent of the Official Plan.

NEIGHBOURHOOD PLAN

Designated CIVIC AND INSTITUTIONAL on the approved Crerar Neighbourhood Plan, the proposal complies.

COMMENTS RECEIVED

- The following agencies have no comment or objection:
 - Hamilton Region Conservation Authority;
 - Hamilton-Wentworth Regional Police Department;
 - Local Architectural Conservation Advisory Committee staff; and,
 - Ministry of Community and Social Services.
- The Hamilton-Wentworth Social Services Department has advised that:

"In reference to the above application, there does not seem to be any problem as far as our Division is concerned.

I might add, however, that in any Day Care Centre there should be sufficient parking space allotted for the clients for delivery and pickup of their children.

Secondly, the area must be fenced in; however, this is a requirement which does not necessarily need any additional space."
- The Traffic Department has advised that the application is "satisfactory".
- The Building Department has advised that:

"A day nursery for 125 children is not a permitted use."
- The Hamilton-Wentworth Engineering Department has advised that:

"...there are public watermains available to service the proposed development. However, neither storm nor sanitary sewers are available on this section of Upper Wellington Street at this time.

The designated road allowance width of Upper Wellington Street is 30.48 m (100 feet). We understand that the operation of a nursery day care centre is not permitted within the existing "AA" zoning regulations. The nursery day care centre is considered a business entity requiring a day care license. We consider the introduction of this commercial case into an "AA" District redevelopment of these lands. We therefore recommend that as a condition of approval that sufficient lands be dedicated to the Region to establish the property line to 15.24 m (50 feet) from the centreline of the original Upper Wellington Street road allowance.

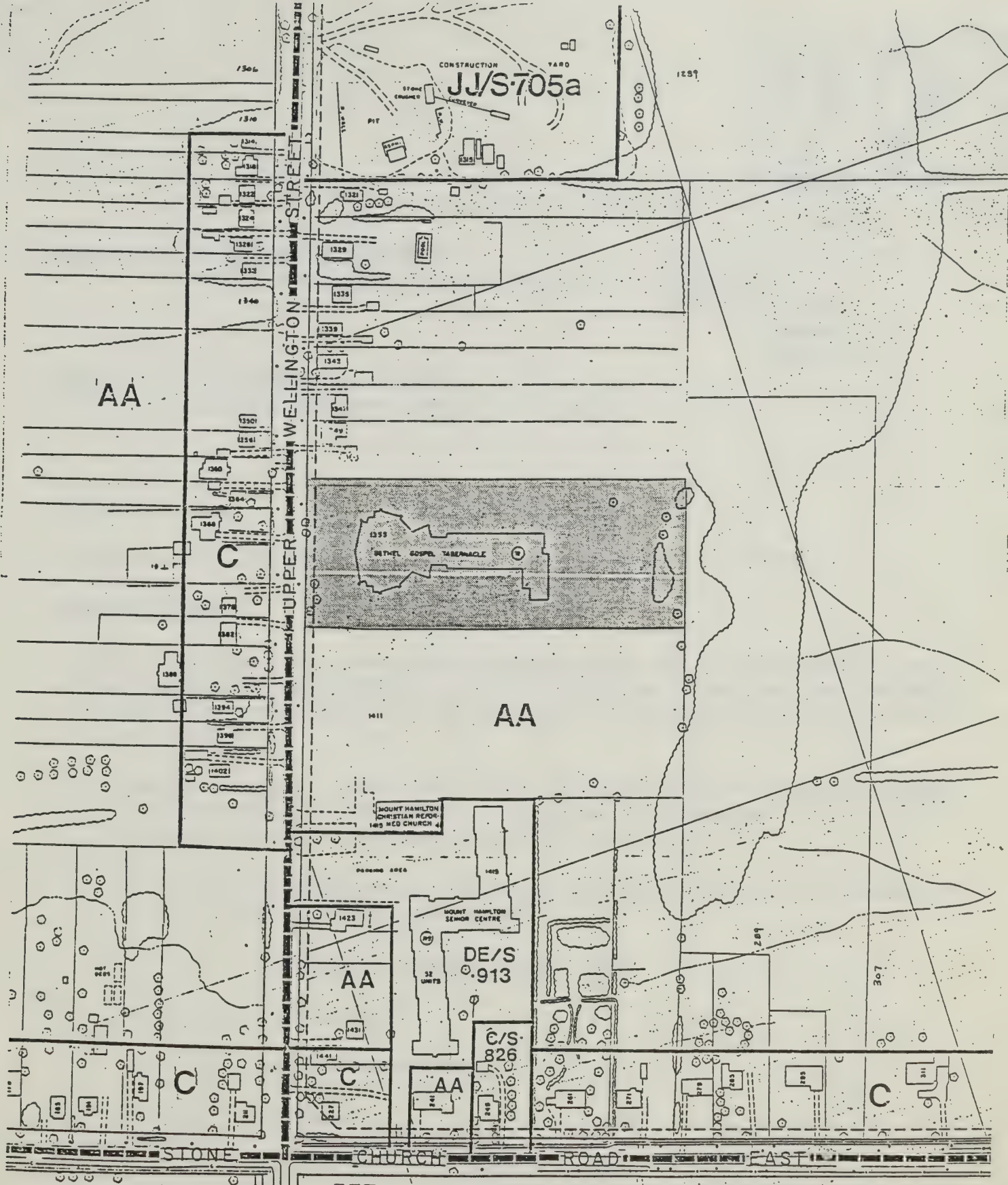
In the absence of any details shown, we advise that any works within the Upper Wellington Street road allowance, as widened, must conform to the Region's Road Use By-law."

COMMENTS

1. The proposal complies with the intent of the Official Plan.
2. The proposal complies with the intent of the approved Crerar Neighbourhood Plan.
3. The application has merit and can be supported for the following reasons:
 - i) it is consistent with and implements the intent of the forthcoming Day Nurseries By-law;
 - ii) a day nursery would be a compatible and complementary use with the religious use of the church;
 - iii) the area is currently not served by a day nursery as the nearest facilities are located on Upper Sherman Avenue; and,
 - iv) the site is an appropriate location for a day nursery of this size as it is at the boundary of the Crerar Neighbourhood and fronts on a major arterial road (Upper Wellington Street).
4. With respect to parking, a day nursery requires parking for staff and for parents who are dropping off and picking up children. Adequate parking for a day nursery would be one parking spot for every six children per the forthcoming By-law respecting day nurseries (City Initiative 88-K). For the subject application this would require a minimum of 21 parking spaces.

CONCLUSION

Based on the foregoing, the application can be supported.



LEGEND



SITE OF THE APPLICATION



22

FOR ACTION

REPORT TO: SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT COMMITTEE

DATE: OCTOBER, 19, 1989

COMM FILE:

DEPT FILE: ZA-89-60

Corktown

Neighbourhood

FROM: J.D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

SUBJECT:

Request for a further modification to the established zoning - No. 186 Hunter Street East.

RECOMMENDATION:

That approval be given to an amended Zoning Application 89-60, Carter Welding Supplies Ltd., owner, for a further modification to the established "J" (Light and Limited Heavy Industry, etc.) District regulations for property located No. 186 Hunter Street East, as shown on the attached map marked as APPENDIX "A", on the following basis:

- i) That the "J" (Light and Limited Heavy Industry, etc.) District regulations as contained in Section 16 of Zoning By-Law No. 6593 as amended by By-Law 75-136, applicable to the subject lands, be further modified to include the following variances as special provisions:
 - a) That notwithstanding Section 16.(1) of By-Law No.6593 the following additional uses shall be permitted within the existing building:
 - (i) a business and professional persons office;
 - (ii) a retail variety store;
 - (iii) a wholesale establishment;
 - (iv) a warehouse;
 - (v) a food catering or food distribution business;
- ii) That the amending By-Law be added to Section 19B of Zoning By-Law No. 6593 as Schedule S- , and that the subject lands on Zoning District Map E-5 be notated S-409b;

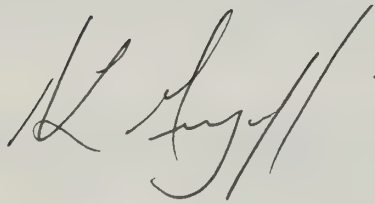
- iii) That the City Solicitor be directed to prepare a By-Law to amend zoning By-Law No. 6593 and Zoning District Map E-5 for presentation to City Council;
- iv) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

EXPLANATORY NOTE:

The purpose of this By-law is to further modify the established "J" (Light & Limited Heavy Industry, etc.) District regulations applicable to property located at No. 186 Hunter Street East, as shown on the attached map.

The effect of the By-law is to permit the following additional uses within the existing building:

- a business and professional persons office;
- a retail variety store;
- a wholesale establishment;
- a warehouse;
- a food catering or food distribution business.



A.L. Georgieff M.C.I.P.
Director of Local Planning

FINANCIAL IMPLICATIONS:

N/A

BACKGROUND:

- Proposal

It is the applicants intention to permit, in addition to the established welding supply business, the following additional uses within the existing building:

- Business and Professional Office;
 - Wholesale establishment;
 - Retail variety store;
 - Warehouse; and
 - Food Catering and Food Distribution.
- By-Law 75-136

City Council at its meeting held on May 13, 1975 passed By-Law 75-136 which provided for a modification to the established "J" (Light and Limited Heavy Industry, etc.) District regulations applicable to the subject lands to permit only the existing industrial use (wholesaler/retailer of welding supplies) and any expansion thereof.

APPLICANT:

Carter Welding Supplies Ltd., owner.

LOT SIZE AND AREA:

- 60.96 m (200.0 ft) of lot frontage on Hunter Street East;
- 30.0 m (100.0 ft.) of lot depth; and,
- 1,828.8 m² (19,685.68 sq. ft.) of lot area.

LAND USE AND ZONING:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject lands</u>	one storey industrial building	"J" (Light and Limited Heavy, Industry, etc.) District, modified
<u>Surrounding Lands</u>		
to the north	Industrial Warehouse, a parking lot and single-family	"J" (Light and Limited industry, etc.) District, modified etc.) District

to the south	Single-family and two-family dwellings	"D" (Urban Protected Residential, One and Two Family Dwellings, Townhouses, etc.) District
to the east	Single-family and two-family dwellings	"D" (Urban Protected Residential One and Two-Family Dwellings, Townhouses, etc.) District
to the west	Apartment building	"E" (Multiple Dwellings, Lodges, Clubs, etc.) District

OFFICIAL PLAN:

Designated "CENTRAL POLICY AREA" on Schedule "A" - Land Use Concept Plan of the Official Plan and located within SPECIAL POLICY AREA 3 on Schedule "B". The following policies among others would apply:

- "A.2.8.1. To promote the CENTRAL POLICY area as a multi-use node for both the City and the Region, a wide range of uses will be permitted where compatibility among adjacent uses can be achieved. The primary uses permitted in the CENTRAL POLICY AREA, as shown on Schedule "A", will be for the following uses:
- i) Commercial uses such as, but not limited to, retail department stores; food; specialty and general merchandising establishments; personal services; head and branch offices and public administration offices; hotels; mixed commercial and residential uses; and in keeping with the Commercial policies set out in Subsection A.2.2. of this Plan;
 - ii) Light Industrial Uses such as warehousing, manufacturing, laboratories, research facilities and related uses, in keeping with the Industrial policies set out in Subsection A.2.3. of this Plan and subject to the accompanying policies contained hereafter on compatibility."

The proposal complies with the intent of the Central Policy Area designation.

The subject lands are also located within SPECIAL POLICY AREA 3. It is the intent of this Special Policy Area to promote and protect housing in close proximity to the downtown.

Given that the subject lands are currently utilized for wholesale services (welding supply), and that it is proposed to introduce a limited number of uses which would appear to be more compatible and have

less of an impact on adjacent residential uses than the existing light industrial use, the proposal is not considered to conflict with the intent of the Official Plan.

NEIGHBOURHOOD PLAN:

Designated for "MEDIUM DENSITY APARTMENT" development on the approved Corktown Neighbourhood Plan, the proposal does not comply. The proposed additional uses are considered "COMMERCIAL" and would be more compatible with surrounding uses, however, as the long range goal of the Neighbourhood Plan is to provide for "MEDIUM DENSITY APARTMENT" development, redesignation would not be appropriate.

COMMENT RECEIVED

- The Building Department, Traffic Department, Hamilton Region Conversation Authority, Hamilton Wentworth Regional Police Department, The Ministry of the Environment and the Local Architectural Conservation Advisory Committee Staff have no comments or objections.
- The Hamilton-Wentworth Engineering Department has advised that:

"...public watermains and combined sewers are available to service the subject lands.

The designated road allowance width of Hunter Street and Ferguson Avenue is 20.12 m (66 feet).

Any works within the adjacent road allowances must conform to the City of Hamilton Streets By-Law.

Further comments on Access are to be from the City Traffic Department."

COMMENTS

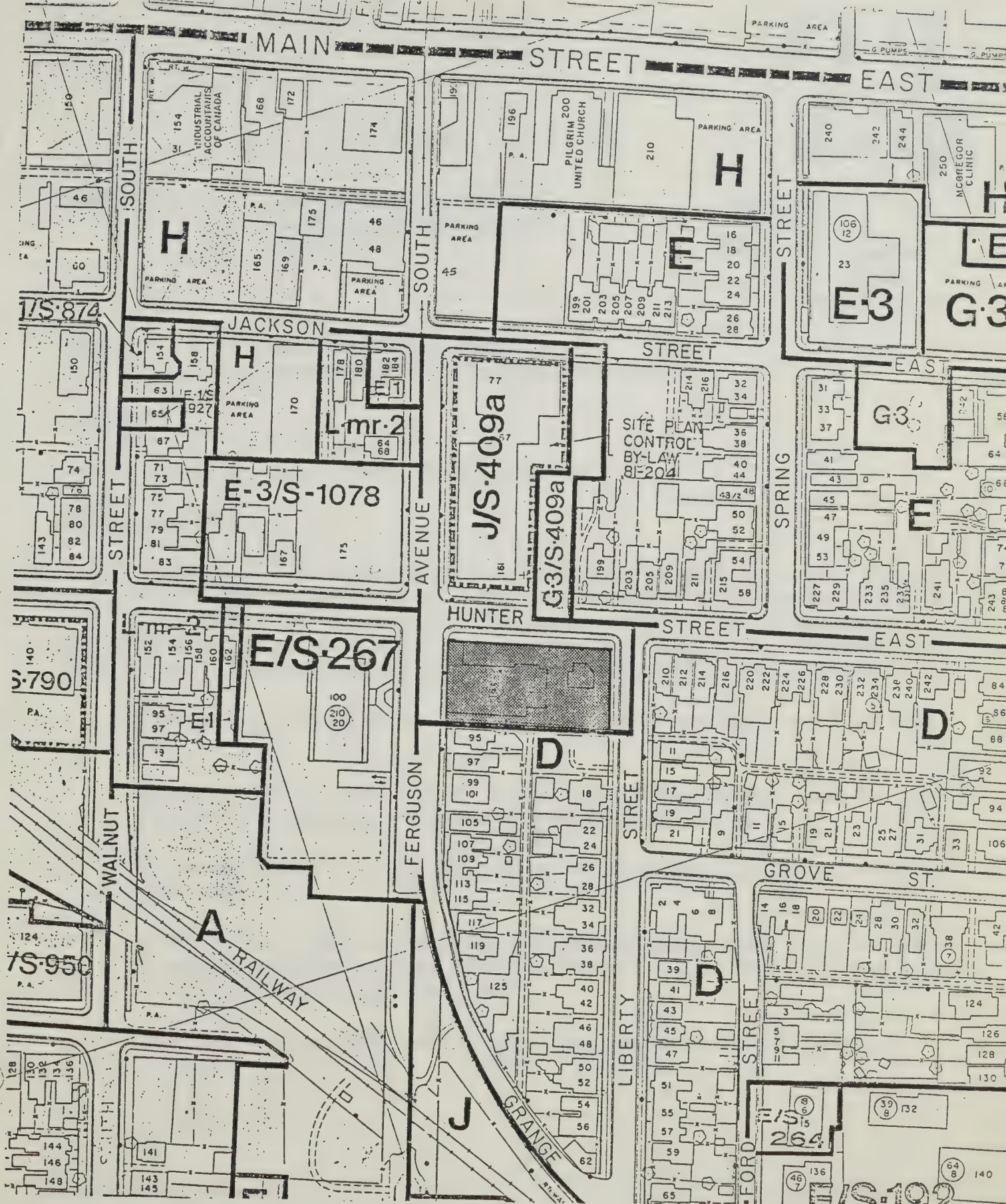
1. The proposal would not conflict with the intent of the Official Plan.
2. The proposal does not comply with the intent of the approved Corktown Neighbourhood Plan which designates the site for "MEDIUM DENSITY APARTMENT" development, however, redesignation is not recommended since the long term goal is to redevelop the site for apartments.
3. The proposal has merit and can be supported for the following reasons:
 - it would not interfere with planned development of lands in this area;

- the requested uses are no less feasible than the existing use, and would facilitate continued use of building until such time as the property is redeveloped for the future intended use;
- a similar application to permit a wholesale and retail outlet, and a wholesale and retail food store was approved for lands to the north, (By-Law 81-203), on the opposite side of Hunter Street;
- off-street parking can be provided on the site.

CONCLUSION

On the basis of the foregoing, the application can be supported.

GAW/rl/ma
WPZA8960



FOR ACTION

23

REPORT TO:

SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT
COMMITTEE

DATE: October 16, 1989
COMM FILE
DEPT FILE ZA-89-58
Gilbert
Neighbourhood

FROM:

J.D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

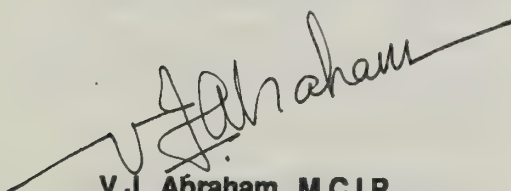
SUBJECT

Request for a change in zoning - No. 585 Mohawk Road West.

RECOMMENDATION

That Zoning Application 89-58, Graham O'Donnell - Golden Chest Inc., owner, requesting a change in zoning from "C" (Urban Protected Residential, etc.) District to "H" (Community Shopping and Commercial, etc.) District, modified to permit conversion of the existing dwelling to permit the sale, display and manufacture of jewellery and an accessory office use, for property located at No. 585 Mohawk Road West, as shown on the attached map marked as APPENDIX "A", be DENIED for the following reasons:

- i) The proposal does not comply with the intent of the "RESIDENTIAL" designation of the Official Plan.
- ii) The proposal does not comply with the intent of approved Gilbert Neighbourhood Plan which designates the subject lands for "SINGLE AND DOUBLE RESIDENTIAL" use.
- iii) The proposal represents an undesirable intrusion of a commercial use into an established residential area.
- iv) Approval of the application may encourage other similar applications which, if approved, would undermine the established residential character of the area, and the intent of the Official Plan and the approved Gilbert Neighbourhood Plan.
- v) It would undermine the viability of established and designated commercial lands in this area.


V.J. Abraham, M.C.I.P.
Director of Local Planning

FINANCIAL IMPLICATIONS

N/A

BACKGROUND

It is the applicants intention to convert the existing single-family dwelling to permit the sale, display and manufacture of jewellery, and an accessory office. Currently, the applicants business is located on the opposite side of Mohawk Road in the Westcliffe Mall. Details of the applicants proposal are attached and marked as APPENDIX "B".

APPLICANT

Graham O'Donnell - Golden Chest Inc., owner.

LOT SIZE AND AREA

- 20.50 m (67.25 ft.) of lot frontage on Mohawk Road West;
- 30.48 m (100.0 ft.) of average lot depth; and,
- 613.10 m² (6,600 sq.ft.) of lot area.

LAND USE AND ZONING

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	single-family dwelling	"C" (Urban Protected Residential, etc.) District
<u>Surrounding Lands</u>		
to the north	shopping centre	"G-1" (Designed Shopping Centre) District, modified
to the south	semi-detached and single-family dwellings	"D" (Urban Protected Residential - One and Two Family Dwellings, Townhouse, etc.) District, and "C" (Urban Protected Residential, etc.) District
to the east	single-family dwellings	"C" (Urban Protected Residential, etc.) District

to the west

a semi detached
dwelling and
single-family
dwellings

"D" (Urban Protected Residential,
One and Two Family Dwellings,
Dwellings, Townhouses, etc.)
District and "C" (Urban Protected
Residential, etc.) District

OFFICIAL PLAN

Designated "RESIDENTIAL" on Schedule "A" - Land Use Concept Plan of the Official Plan, and subject to the following policies:

- "A.2.1.1 The primary uses permitted in the areas designated on Schedule "A" as RESIDENTIAL will be for dwellings. Various types of dwellings are included within this designation, while preference will be given to the locating of similar densities of development together.
- A.2.1.3 Within areas designated RESIDENTIAL, land uses compatible to dwellings and deemed necessary by Council to serve the needs of local residents will be permitted including, but not limited to:
- iv) Limited individual or groups of commercial uses on sites not exceeding .4 hectare in area, excluding Automobile Service Stations, in accordance with the Local Commercial Uses and General Provisions set out in Subsection A.2.2 of this Plan.
- A.2.2.25 The LOCAL COMMERCIAL category applies to groups of, or individual commercial establishments, and local business and professional offices serving the daily retail needs of the surrounding residents, and primarily dependent upon pedestrian access."

The proposal does not comply with the intent of the Official Plan.

NEIGHBOURHOOD PLAN

Designated for "SINGLE AND DOUBLE RESIDENTIAL" use on the approved Gilbert Neighbourhood Plan, the proposal does not comply.

COMMENTS RECEIVED

- The Building Department has advised that:

"The most suitable commercial zoning for the proposed manufacturing and sale of jewellery is a "G" zoning District."

- The Traffic Department has advised that:

"We feel that approval of this application would set an undesirable precedent in that it introduces a commercial use into a residential area.

We also feel that there is inadequate parking provided for employees and customers."

- The Hamilton-Wentworth Engineering Department has advised that:

"...public watermains and separate sewers are available to service the subject land.

No further road widenings are anticipated at this time.

Any works within the road allowance must conform to the Region of Hamilton-Wentworth Roads Use By-law.

We suggest that the lands should be developed through site plan control.

This property is approximately 10 metres east of the concrete median island on Mohawk Road. The space to park and manoeuvre in the front yard is rather limited and this should be addressed prior to the approval of the application."

- The Hamilton Region Conservation Authority and the Local Architectural Conservation Advisory Committee Staff have no comments or objections.

COMMENTS

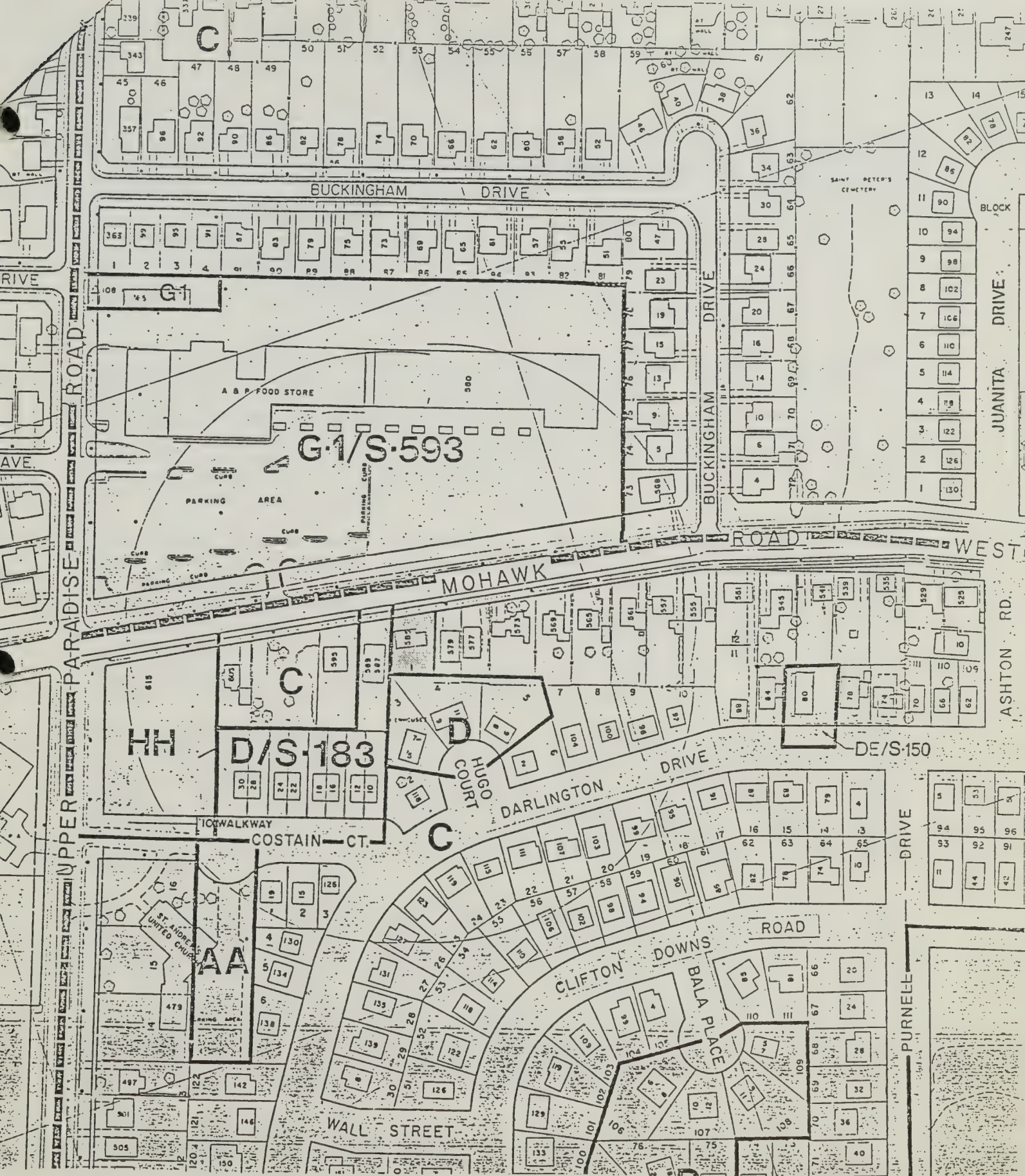
1. The proposal does not comply with the intent of the "RESIDENTIAL" designation of the Official Plan.
2. The proposal conflicts with the intent of the approved Gilbert Neighbourhood Plan which designates the subject lands for "SINGLE AND DOUBLE RESIDENTIAL" use.
3. The proposal cannot be supported for the following reasons:
 - i) it does not comply with the intent of both the Official Plan and the approved Gilbert Neighbourhood Plan which designate the lands for single and double residential use.
 - ii) it represents an undesirable intrusion of a commercial use into an established residential area;

- iii) approval of the application may encourage other similar applications which, if approved, would undermine the established residential character of the area, and the intent of the Official Plan and Neighbourhood Plan.
- iv) It would undermine the viability of established and designated commercial lands in this area.

CONCLUSION

On the basis of the foregoing, the application cannot be supported.

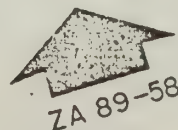
GAW/ma
WPZA8958



Legend



Site of the Application



Explanatory Note

This is an application to rezone the subject property to permit the manufacture and sale of jewelry and to permit professional offices. The intended use is the relocation of an existing jewelry operation from a location in Westcliffe Mall, directly north of the subject property. The existing business is owned and operated by a local businessman who currently lives at the subject property at 585 Mohawk Road West. Because of the success and changing nature of the business, the owner is proposing to relocate his business to the existing house.

One of the considerations is that rent within Mall facilities is based partially on a percentage of total income generated. Given that the business has been successful, and the fact that jewelry items are a high value product, current rent payments for the Mall location are becoming exorbitant. Further, as the nature of the business changes to a lower volume, higher value type of operation, a retail mall location is not required for the ongoing success of the business.

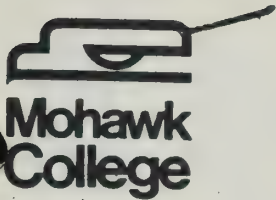
Therefore, the intent is to move to more affordable space in the existing dwelling at 585 Mohawk Road West. A rezoning is required as the operation will require all of the rooms within the house, which would not permit the retention of living quarters within the dwelling unit. Therefore, the operation could not be considered a home occupation and a full rezoning is required. Secondly, for insurance purposes, this type of retail operation requires commercial zoning.

The jewelry operation will employ 3-4 people and will include some manufacturing on the premises. This does not entail any heavy machinery and is not geared to high volume production. Rather, the manufacturing operation is best described as high quality craftsmanship on an item by item basis. The balance of the building will be used for repairs, display, and sale purposes.

The proposal will not generate any adverse impact upon the neighbourhood. The rear of the property, landscaped and designed for single family residential purposes, will not be altered. Similarly, there will be no major structural changes to the residential nature of the building. Onsite parking will be provided for both employees and customers. The hours of operation will be limited and, in fact, the operation will generate a lower intensity of use, particularly during evening hours, than a single family use on the property.

Contact has been made with abutting owners, and there have been no objections indicated to the owner to his proposal.

It is recommended, therefore, that the application for rezoning be approved to allow the relocation of the jewelry operation from the Westcliffe Mall to the single family dwelling on Mohawk Road on the basis that the nature of the operation requires such a location and structure and that the proposed use will not have any impact on the immediate neighbourhood.



Sylvia Carrod
Special Needs Advisor

Direct in Dial
(416) 575-2356
Voice & TDD

Fennell Avenue and West 5th, Box 2034, Hamilton, Ontario L8N 3T2
Fax: (416) 575-2330

23a

Secretary,
Planning & Development Committee
City Hall
71 Main Street West
Hamilton, Ontario L8N 3T4

Dear Sir/Madam


Re: Proposed change in zoning
from C to H. # 585 Mohawk
Road West

I strongly object to this
proposed change.

The above property is in a
residential development and changing
the zoning will result in
increased traffic, noise and
cross commercialism for those who
abutt the property.

Sincerely,

Sylvia Carrod



Frum
Development
Group

720 Spadina Avenue
Suite 220
Toronto, Ontario M5S 2T9
Tel. (416) 961-4840
Fax (416) 922-4510

23b.

October 20, 1989

Mr. Alfred Zeuner
City Hall
Planning and Development Department
Hamilton, Ontario
L8N 3T4

PM
A2GOW
AHE

Dear Mr. Zeuner:

RE: File #ZA-89-58

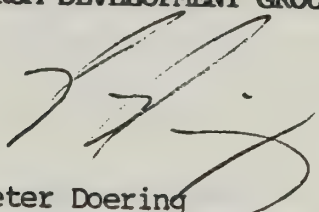
Futher to our telephone conversation of October 19, 1989 regarding the above mentioned application, we are the owners of the Westcliffe Mall at 640 Mohawk Road West in Hamilton and we wish to oppose the proposed zone change as described in file #ZA-89-58.

I have enclosed a copy of the business reply card indicating our opposition to the proposed change.

Would you kindly advise our offices of any meetings being held by council with respect to this matter.

Yours truly,

FROM DEVELOPMENT GROUP



Peter Doering
Development Manager

PD/cdh

FOR ACTION

24.

REPORT TO:

SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT
COMMITTEE

DATE: October 24, 1989

COMM FILE

DEPT FILE: ZA-89-79

Lawfield

Neighbourhood

FROM:

J.D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

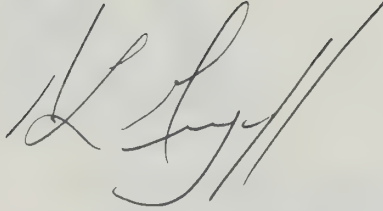
SUBJECT

Request for a change in zoning - lands at the northwest corner of Limeridge Road East and Upper Gage Avenue.

RECOMMENDATION

That Zoning Application 89-79, Edward Powell, prospective owner, requesting a change in zoning from "AA" (Agricultural) District to "HH" (Restricted Community Shopping and Commercial) District to permit a funeral home, an apartment, and an accessory music studio, for property located at the northwest corner of Limeridge Road East and Upper Gage Avenue, as shown on the attached key map marked as APPENDIX "A", be **DENIED** for the following reasons:

- i) the proposal conflicts with the intent of the Official Plan which designates the lands "RESIDENTIAL";
- ii) the proposal conflicts with the intent of the approved Lawfield Neighbourhood Plan which designates the land for "LOW DENSITY APARTMENTS";
- iii) suitable access to the property cannot be maintained. Access to Upper Gage Avenue will be eliminated in the future once the interchange for the East-West Freeway is constructed. As a result, access to the subject property will be via a dead end street (Limeridge Road East) which is undesirable; and
- iv) a previous application for a rezoning to "HH" (Restricted Community Shopping and Commercial) District for the subject property was denied. The reasons for denial of that application are still valid and applicable to the property. No new information has been submitted with the application to justify the change in zoning.



A.L. Georgieff, M.C.I.P.
Director of Local Planning

FINANCIAL IMPLICATIONS

N/A

BACKGROUND

● Proposal

It is the applicant's intention to construct a 1 1/2 storey stone building covering approximately 372 m² (4,000 square feet) of lot area. The upper storey would be the owner's residence with an accessory music studio and the lower floor would be a funeral home.

● ZA-86-50

At its meeting held on October 1, 1986, the Planning and Development Committee denied Zoning Application 86-50, for a change in zoning from "AA" (Agricultural District) to "HH" (Restricted Community Shopping and Commercial) District on the subject property for the following reasons:

- i) the proposal conflicts with the intent of the approved Lawfield Neighbourhood Plan;
- ii) there would appear to be an adequate supply of commercially designated land in the surrounding area; and,
- iii) suitable access to the site cannot be maintained, in that once the East-West Freeway interchange is constructed, access to the subject lands from Upper Gage Avenue will be eliminated and Limeridge Road East will become a dead end street. As a result, future access to the proposed plaza will be via a local residential dead end street (Limeridge Road East) which is undesirable.

City Council, at its meeting held on October 14, 1986, adopted the recommendation of the Planning and Development Committee.

● ZA-87-07

At its meeting held on March 11, 1987, the Planning and Development Committee approved Zoning Application 87-07, for a change in zoning from "AA" (Agricultural) District to "DE-3" (Multiple Dwellings) District for the subject property. City Council, at its meeting on March 31,

1987, adopted the recommendation of the Planning and Development Committee. On February 29, 1988, the applicant withdrew the application prior to the passing of the amending By-law.

● ZA-88-19

At its meeting held on June 15, 1988, the Planning and Development Committee approved of Zoning Application 88-19, for a change in zoning from "AA" (Agricultural) District to "DE-2" (Multiple Dwellings) District for the subject property.

City Council, at its meeting held on June 28, 1988, adopted the recommendation of the Planning and Development Committee. On July 11, 1989, the applicant withdrew the application, prior to the passing of the amending By-law.

APPLICANT

Edward Powell, prospective owner.

LOT SIZE AND AREA

The subject property has:

- 80.45 m (264 feet) of lot frontage on Limeridge Road East;
- 53.34 m (175 feet) of lot frontage on Upper Gage Avenue; and,
- 4,219.98 m² (46,200 square feet) of lot area.

LAND USE AND ZONING

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	vacant	"AA" (Agricultural) District
<u>Surrounding Lands</u>		
to the north	nursing home	"DE-2" (Multiple Dwellings) District
to the south	vacant and townhouses	"AA" (Agricultural) District and "E-2" (Multiple Dwellings) District
to the west	single family dwellings	"AA" (Agricultural) District
to the east	vacant	"AA" (Agricultural) District

OFFICIAL PLAN

Designated "RESIDENTIAL" on Schedule A - Land Use Concept, the following policies are applicable:

- "A.2.1.1. The primary uses permitted in the areas designated on Schedule 'A' as RESIDENTIAL will be for dwellings. Various types of dwellings are included within this designation, while preference will be given to the locating of similar densities of development together.
- A.2.1.3. Within areas designated RESIDENTIAL, land uses compatible to dwellings and deemed necessary by Council to serve the needs of local residents will be permitted, including, but not limited to:
 - iv) Limited individual or groups of commercial uses on sites not exceeding 0.4 hectares in area, excluding automobile service stations, in accordance with the Local Commercial Uses and General Provisions set out in subsection A.2.2. of this Plan.
- A.2.2.25 The LOCAL COMMERCIAL category applies to groups of or individual commercial establishments and local business and professional offices serving the daily retail needs of surrounding residents, and primarily dependent upon pedestrian access."

Based on the above, the application conflicts with the intent of the Official Plan. The proposed uses are not considered to be "local" in nature as they do not serve the daily retail needs of the surrounding residents nor do they rely primarily on pedestrian access. Approval of the application would require an Official Plan Amendment to redesignate the lands to "COMMERCIAL".

NEIGHBOURHOOD PLAN

Designated LOW DENSITY APARTMENTS on the approved Lawfield Neighbourhood Plan, the proposal does not comply. Approval of the application would require a redesignation to "COMMERCIAL".

COMMENTS RECEIVED

- o The Hamilton Region Conservation Authority, the Local Architectural Conservation Advisory Committee Staff, and the Hamilton-Wentworth Regional Police Department have no comment or objection.

- o The Freeway Project Office has advised that:

"No access to Upper Gage could be allowed due to north-to-west access to Upper Gage/East-West Interchange.

Limeridge Road is planned to be made discontinuous with no direct access to Upper Gage. This is required to accommodate the interchange ramps. This closure is planned to be implemented at the initial construction stage.

There will be no future access to Upper Gage directly from this site or from Limeridge Road. As a result, any commercial traffic generated by this site will have to travel through the adjacent neighbourhood or via Limeridge - Upper Sherman and Mohawk to get back to Upper Gage."

- The Building Department has advised that:

"No plans submitted to determine compliance with the provisions of Zoning By-law 6593."

- The Traffic Department has advised that:

"The approved Neighbourhood Plan provides for the closure of Limeridge Road west of the westerly limits of the subject lands. In addition, it is our understanding that upon construction of the proposed freeway interchange at Upper Gage Avenue, access to Upper Gage Avenue from the subject lands would be eliminated.

We recommend that any development of the subject lands be accompanied by the extension of the cul-de-sac at the easterly limit of Limeridge Road to the westerly limits of the subject lands.

The approval of the application to permit the proposed use combined with the construction of the freeway interchange would result in all the traffic generated by that use driving through the adjacent residential area to access the arterial roadways. As a result we cannot support this proposal."

- The Hamilton-Wentworth Engineering Department has advised that:

"Please be advised that public watermains as well as separate sanitary sewers and storm sewers are available to service the proposed development.

The designated road allowance width of Upper Gage Avenue is 36.58 m (120 feet). In accordance with this designation, we recommend as a condition of development approval that sufficient lands be dedicated to the Region for road widening purposes. This will establish the property line to 18.29 m (60 feet) from the centreline of Upper Gage Avenue as shown on Plan 3535 (M.T.O.). This road allowance widening is 3.084 m (10 feet) in width. There are additional road widenings requested as a result of the East-West Freeway. The interchange construction and comments from the Freeway project office on this matter and possible noise berms etc. should be considered. All lands required for Freeway and ramp purposes should be excluded from this development approval.

Access to the subject lands will only be permitted on Limeridge Road, which will be closed at such time as the freeway is constructed. A cul-de-sac will be constructed on Limeridge Road. The owner has not submitted any site plans and access to the site will only be permitted at the westerly end of the property on Limeridge Road.

Access to this site will be very indirect from the internal neighbourhood only. The applicant may wish to consider altering the use of the lands in a way which conforms to the intent to the approved Lawfield Neighbourhood Plan."

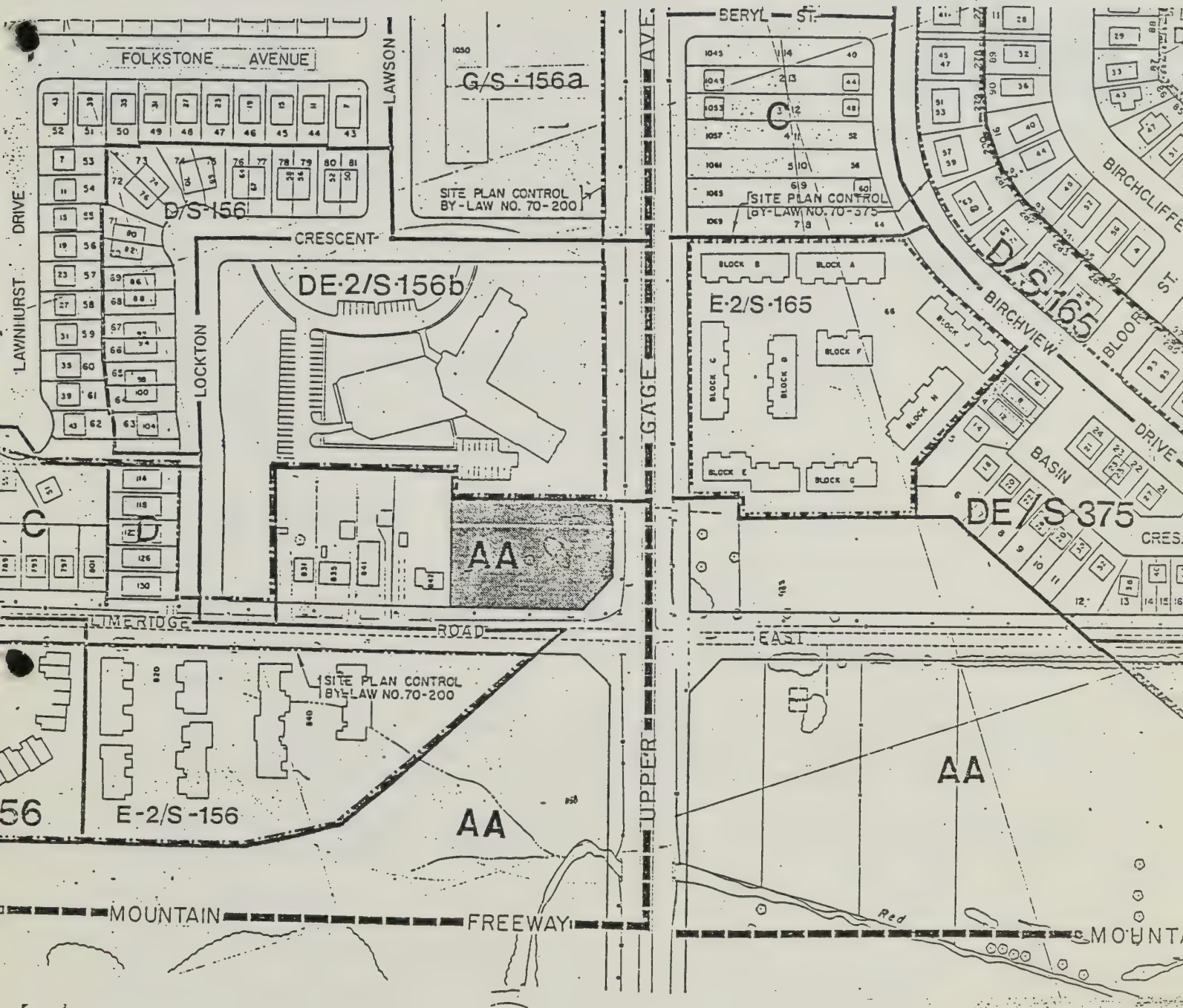
COMMENTS

1. The proposal conflicts with the intent of the Official Plan. Approval of the application would require an Official Plan Amendment to redesignate the lands from "RESIDENTIAL" to "COMMERCIAL".
2. The proposal conflicts with the intent of the approved Lawfield Neighbourhood Plan. Approval of the application would require a redesignation from "LOW DENSITY APARTMENTS" to "COMMERCIAL".
3. The proposal cannot be supported for the following reasons:
 - i) it conflicts with the intent of the Official Plan which designates the land "RESIDENTIAL";
 - ii) it conflicts with the approved Lawfield Neighbourhood Plan which designates the land for "LOW DENSITY APARTMENTS";
 - iii) suitable access to the property cannot be maintained. Access to Upper Gage Avenue will be eliminated in the future once the interchange to the East/West Freeway is constructed. As a result, access to the subject property will be via a dead end street (Limeridge Road East) which is undesirable; and
 - iv) a previous application for a rezoning to "HH" (Restricted Community Shopping and Commercial) District for the subject property was denied. The reasons for denial of that application are still valid and applicable to the property. No new information has been submitted with this application to justify the change in zoning.

CONCLUSION

Based on the foregoing, the application cannot be supported.

MLT/ma
WPZA8979



Legend



Site of the Application

ZA 89-79

Please Reply to: Peter M. Macaulay

October 23, 1989

File No. 91290

Planning & Development Department,
City Hall,
71 Main Street West,
HAMILTON, Ontario.
L8N 3T4

ATTENTION: Secretary

Dear Sirs:

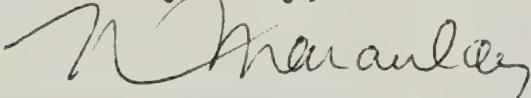
Re: Planning Dept. File No. ZA-89-79

We are the solicitors for Norbert Schuller and Apans Health Services.

Enclosed you will find the business reply card forwarded by your office indicating our clients' objection to the Official Plan and zoning by-law amendments in the above-noted application.

We confirm that the writer will be attending the hearing on Wednesday, November 1, 1989.

Yours very truly,



Peter M. Macaulay

PMM:ki
Encl.

PROPOSED CHANGE IN ZONING FROM AA TO HH
PROPERTY DESCRIPTION -NORTHWEST CORNER OF LIMERIDGE ROAD EAST AND UPPER

GAGE AVENUE

I AM IN FAVOUR OF ()

OPPOSED TO (V) (PLEASE CHECK (V) WHICH)

THIS PROPOSED CHANGE

NORBERT SCHULLER + APANS HEALTH SERVICES

by the st. solicitors... Dyer Brown - per...

SCHULLER NORBERT OR OCCUPANT

C/O SCHULLER, NORBERT J

T/A APANS HEALTH SERVICES

284 CENTRAL AVE

LONDON ONT

N6B 2C8

.....
FILE-ZA89-79 SEQ-00233

OCT 25 1989

M. Macaulay.....SIGNED

PLEASE DIRECT INQUIRIES TO

PLANNING DEPT 526-4445

FOR ACTION

25a

REPORT TO: SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT COMMITTEE

DATE: October 19, 1989

COMM FILE:

DEPT. FILE: P5-2-23

P5-2-24

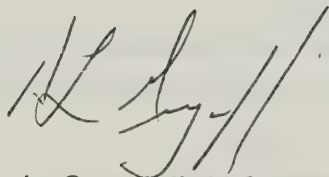
FROM: J. D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

SUBJECT

Proposed plans for Chappel East and West neighbourhoods.

RECOMMENDATION

That the proposed Chapple East Neighbourhood Plan attached as Map 1 and the Chapple West Neighbourhood attached as Map 2 be adopted by Council.



A. L. Georgieff, M.C.I.P.,
Director of Local Planning

FINANCIAL IMPLICATIONS

N/A.

BACKGROUND

- The Region has installed a trunk sewer at Upper Wentworth Street and Rymal Road East, which will service properties in the Chappel East and West neighbourhoods.

- The Neighbourhood study was commenced in 1988. Background information was collected on land use, ownership, topography, etc., and a plan was prepared based on the general guidelines contained in the Official Plan.
- The Chappel East and West Neighbourhood plans attempt to provide a functional and attractive living environment for the residents of the neighbourhoods. The neighbourhoods are planned to include the following uses:
 1. Predominantly low density residential dwellings.
 2. A larger lot single family houses area between 478 to 550 Rymal Road East.
 3. Townhouses along the east side of the proposed Upper Wentworth Street extension and the West side of the proposed extension of Upper Sherman Avenue.
 4. Low density apartments at either side of the proposed Upper Wentworth Street extension south of Rymal Road.
 5. Institutional and recreational uses in the centre of the neighbourhood, at 620 Rymal Road East and a wood lot on the east side of the proposed extension of Upper Wentworth Street and,
 6. Commercial at the south-west corner of Rymal Road and the proposed extension of Upper Sherman Avenue.
 7. Neighbourhood facilities including an elementary public school, a Neighbourhood Park, a wood lot and City facilities uses, recreational uses at Turner Farm, a city yard and Mount Hamilton cemetery.
 8. A possible bikeway route has also been identified along the proposed new road system, to enable development of an appropriate link to the city-wide system for bicycle users.
 9. The road layout has been planned to allow easy access between the interior and the periphery of the neighbourhood and to discourage through traffic.

- A report was prepared by the Planning and Development Department outlining the proposed Chappel East and West Neighbourhood Plans and recommending that a public meeting be held. This recommendation was approved at the Planning and Development Committee meeting on May 10, 1989.
- A public meeting was held on June 21, 1989 to discuss the proposed Neighbourhood plan.

The following issues were discussed at the public meeting:

- Lot sizes;
- Proposed road pattern;
- Development responsibilities such as roads, services, etc.
- School and church ownership;
- Sizes and location of properties;
- Preservation of wooded area;
- Timing of Rymal Road and interior sewer systems;
- Traffic volume and widening of Rymal Road; and,
- Extensions of Upper Wentworth Street and Upper Sherman Avenue.

N.B. The Planning and Development Department report dated April 28, 1989 and the minutes of the Public Meeting are available from Susan Reeder, Planning and Development Committee Secretary.

ANALYSIS

Submission review.

Submittee: 1. Mr. and Mrs. R. Stewart, 478 Rymal Road East

Issue: Proposed road location.

Concern:

Suggest that the proposed North-South road at the rear of their land be realigned to allow for 100 feet deep lots.

Comment:

The Proposed Plan has been amended accordingly.

Issue: Proposed road widths dedication.

Submittee: 2. Mr. J. A. Parente representing an owner of lands in this neighbourhood.

Concern:

Suggests that dedication of land for proposed new roadways be shared equally between ownerships where possible.

Comment:

The proposed plan road pattern is based on ownership patterns where possible.

Issue:

School acreage and use of hydro property.

Concern:

Suggests that the proposed 10.00 acre public school site be reduced to 5.00 acre freeing up the remaining 5 acres for needed housing; and that the hydro property between the proposed public school site and park and recreational site be used for park purposes.

Comment:

The proposed plan was circulated to the Board of Education. The Board advised us that the 10.00 acre site is needed to meet future educational needs in the area. We have consulted with Ontario Hydro which in principle support the use of hydro rights of way for parks purposes, subject to the preparation of an agreement between the City and Ontario Hydro.

Issue:

Proposed Neighbourhood Collector Road.

Concern:

Suggests the proposed road between the proposed Upper Wentworth Street extension and proposed Upper Sherman Avenue extension should not be a through road.

Comment:

The proposed East-West Road has been realigned to discourage through traffic further.

Issue:

Additional access to public school site.

Concern:

Suggests an additional connecting street between the cul-de-sacs to accommodate an additional means of ingress and egress in case of emergency to the public school site.

Comment:

We have provided direct access on two sides of the school site which satisfied the Board of Education and other public agencies.

Issue:

Larger lots.

Concern:

Suggests that larger lots should be deleted, allowing the developer to provide lots of any size desired.

Comment:

The area proposed for larger lots is in character with the existing residential development in the area. A choice of housing, including prestige areas should be provided. The area for large lot development has been reduced.

Issue:

Land use designation.

Concern:

Suggests that the Roman Catholic Episcopal Corporation site and Ontario Hydro site should have residential or commercial designations.

Comment:

We have circulated the proposed plan to both agencies and they are satisfied with the land use designation as shown. If the proposed uses do not materialize we have allowed for accesses for such uses.

Submittee 3: Vince DeBenedictis
(Submission received after notices sent out).

Issue:

Rymal Estates Draft Plan of Subdivision.

Concern:

Does not agree with the proposed plan for his lands in the following cases:

- 1) Supports a temporary road access from Rymal Road East to his single family development to the south (Map 3).

Comment

The temporary access would allow development to proceed without the need to provide a roadway through Board of Education lands. This would enable development to take place sooner. The Traffic Department oppose the temporary road to Rymal Road East for safety reasons. A temporary road could be provided from the single family development to Upper Wentworth Street.

Supports commercial and medium density apartments rather than low density apartments on blocks fronting Rymal Road (Map 3).

The area abuts single family development and should be low rise lower density apartments. Commercial development in this area is sufficient and has already been planned:

- i) at the northeast corner of Upper Wentworth and Rymal about (14.00 acres)
- ii) at the northeast corner of Upper Wentworth and Rymal about (2.80 acres)
- iii) at the northeast corner of Upper Sherman and Rymal about (6.00 acres).

TRAFFIC DEPARTMENT CONCERN

The Traffic Department were concerned about the proposed access on to Rymal Road between Upper Wentworth and Upper Sherman because of safety aspects at a junction which would not have traffic lights.

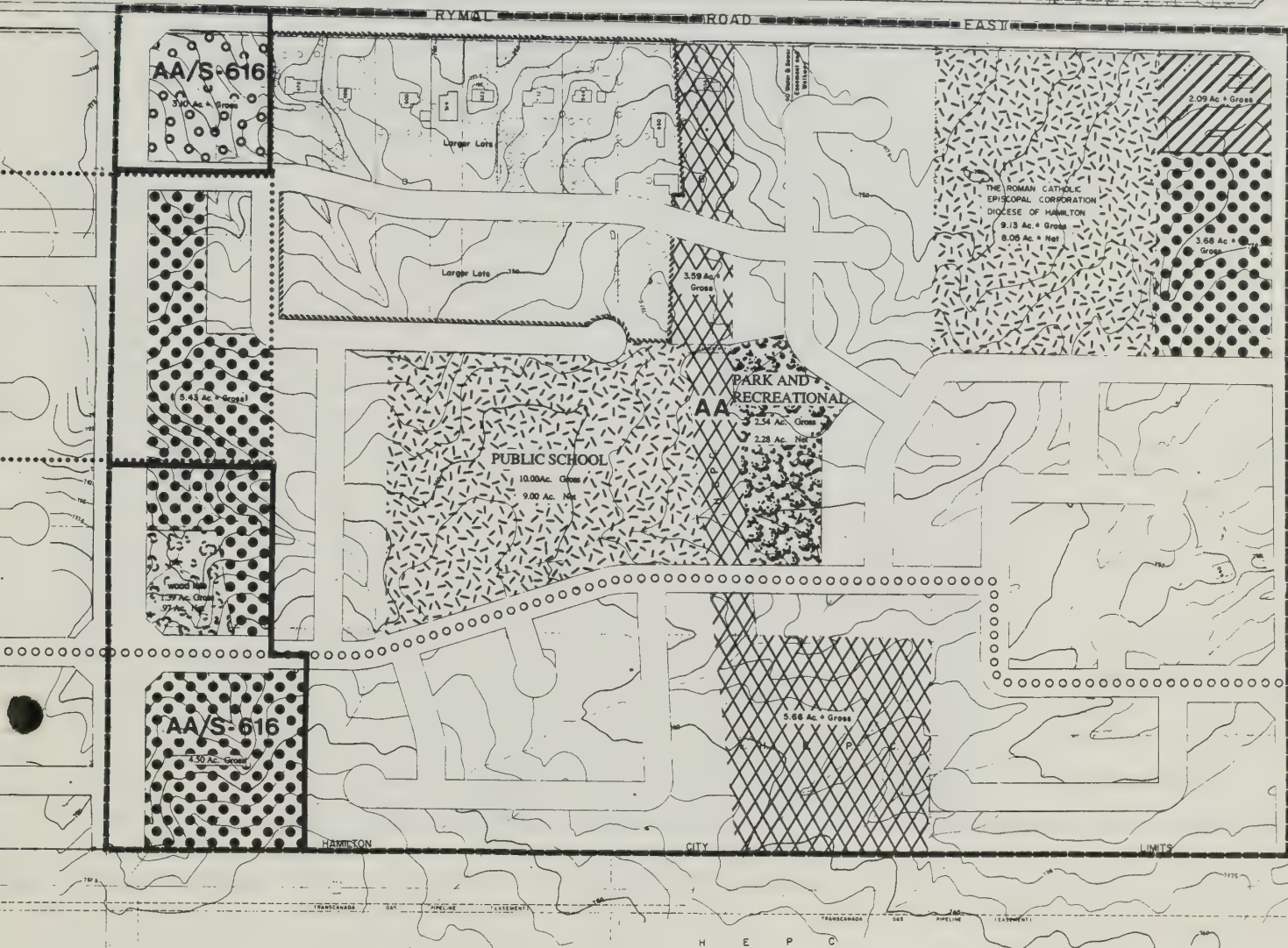
Comment

Rather than acquiring the large house at 550 Rymal Road East and demolishing it for a roadway, the internal road system has been rearranged to link two long culs de sac to make circulation within the neighbourhood better. This layout, with the deletion of the access to Rymal is satisfactory to the Traffic Department.

CONCLUSION

The neighbourhood plans for Chapple East and West should be adopted in accordance with Maps 1 and 2.

D.G.:NS
A:\CHAPP-EW



NOTE: This is a **GUIDE PLAN** only and is subject to change. For details contact the local planning division of the Regional Municipality of Hamilton-Wentworth.

LEGEND:

- Board of Education for the City of Hamilton Existing School Sites
- o o o o o Possible Bike Route
- ~~~~~ Area of Larger Lots

LAND USE

RESIDENTIAL

- single & double
- attached housing
- low density apartments
- medium density apartments
- high density apartments
- commercial & apartments

- COMMERCIAL**
- INDUSTRIAL**
- CIVIC & INSTITUTIONAL**
- PARK & RECREATIONAL**
- OPEN SPACE**
- UTILITIES**

- Neighbourhood Boundary
- Zoning Boundary

Approvals

Planning Committee

Council

Latest Revision Date

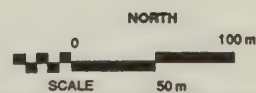
CITY OF HAMILTON
PLANNING DEPARTMENT

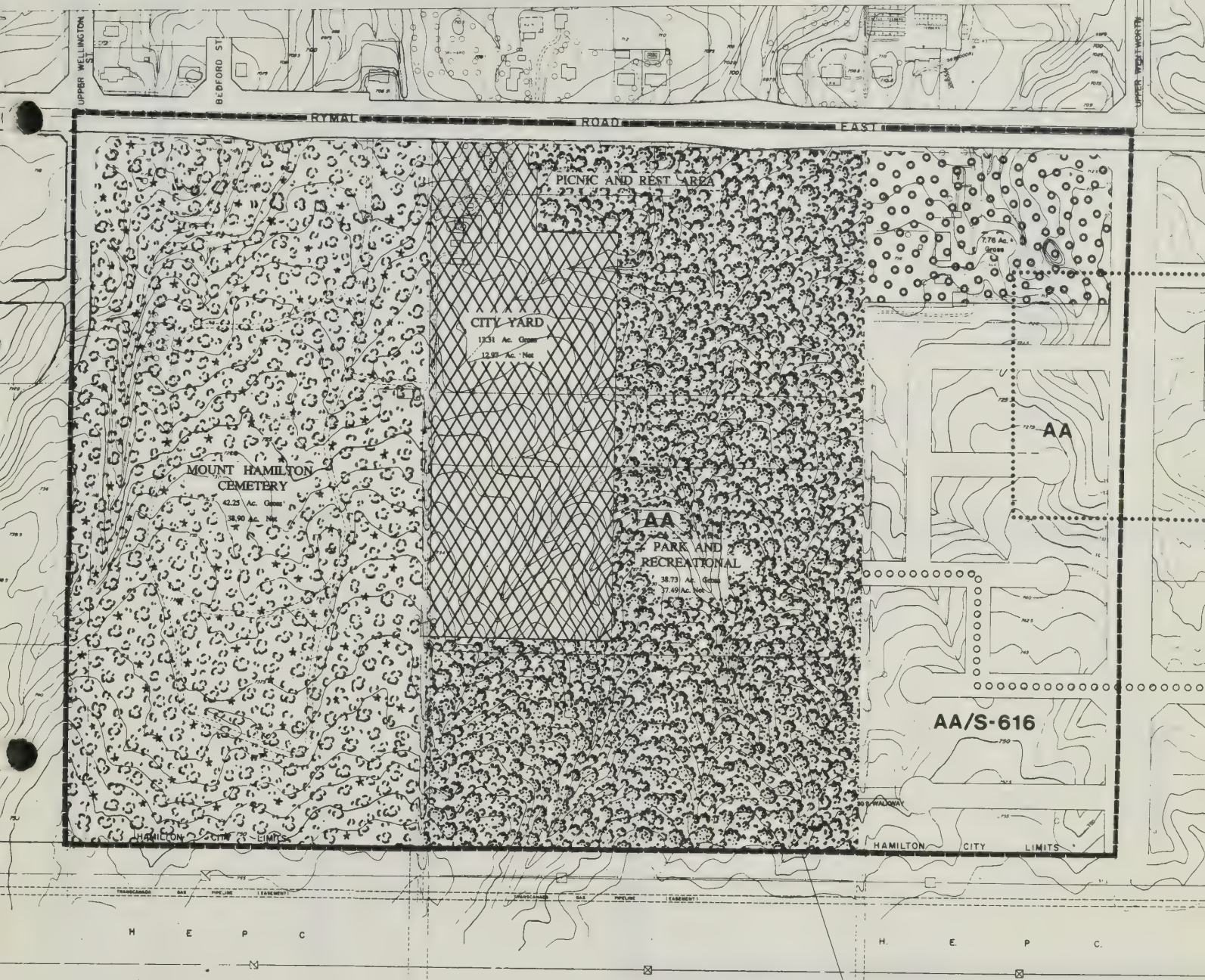
CHAPPEL EAST

PROPOSED PLAN

MAP1

EXISTING POPULATION (1988) 35





NOTE: This is a **GUIDE PLAN** only and is subject to change. For details contact the local planning division of the Regional Municipality of Hamilton-Wentworth.

LEGEND:

- Board of Education for the City of Hamilton Existing School Sites
- o o o o o Possible Bike Route

LAND USE RESIDENTIAL

- single & double
- attached housing
- low density apartments
- medium density apartments
- high density apartments
- commercial & apartments

- COMMERCIAL**
- INDUSTRIAL**
- CIVIC & INSTITUTIONAL**
- PARK & RECREATIONAL**
- OPEN SPACE**
- UTILITIES**

- Neighbourhood Boundary
- Zoning Boundary

Approve
Planning Committee Council

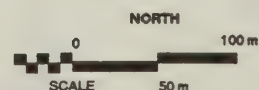
Latest Revision Date

**CITY OF HAMILTON
PLANNING DEPARTMENT**

**CHAPPEL WEST
PROPOSED PLAN**

MAP2

EXISTING POPULATION (1988) 10



RYMAL ROAD EAST

6.88 Ac. \pm Net

408

SILLO

PROPOSED
TEMPORARY ROAD
ACCESS

• PROPOSED CHANGES
FROM LOW DENSITY
APARTMENTS TO
COMMERCIAL

STREET

2.10 Ac. \pm Net

• PROPOSED CHANGES
FROM LOW DENSITY
APARTMENTS TO
COMMERCIAL

DE BENEDICTIS
SUBDIVISION

MAP 3

AA

AA/S-616

FOR ACTION

25b.

REPORT TO:

SUSAN K. REEDER, SECRETARY OF THE
PLANNING AND DEVELOPMENT COMMITTEE

FROM:

J. D. THOMS
COMMISSIONER
PLANNING AND DEVELOPMENT

DATE:

1989 OCTOBER 26

COMM FILE:

DEPT FILES:

SA-88-23
25T-88037
ZA-88-107

SUBJECT

Proposed Draft Plan of Subdivision
Proposed Rezoning Application

RECOMMENDATION

1. Subdivision Application

- a) That approval be given to Application SA-88-23, Rymal Gardens Inc., owner, to establish a draft plan of subdivision south of Rymal Road East and north of the Ontario Hydro Power Commission right-of-way, subject to the following conditions:
 1. That this approval apply to the plan prepared by Sidney W. Woods Engineering Inc., dated August 4, 1989, revised by changing the commercial blocks to multiple housing development.
 2. That the streets and the widening, Blocks "103" and "104" be dedicated as public highways and Block "113" be dedicated as a public walkway on the final plan.
 3. That the streets be named to the satisfaction of the City of Hamilton and the Regional Municipality of Hamilton-Wentworth.
 4. That the final plan conform with the Zoning By-law approved under The Planning Act.
 5. That such easements as may be required for utility or drainage purposes be granted to the appropriate authority.
 6. That the owner convey 5% of the land included in this plan of subdivision and a cash-in-lieu of land payment to the City of Hamilton for park purposes, said conveyance to comprise of Block "98".

7. That the owner provide the City of Hamilton with a certified list showing the net area and width of each lot and block in the final plan.
 8. That Blocks "105" to "112", the 0.3m reserves be conveyed to the City of Hamilton.
 9. That the extension of Upper Wentworth Street south of Rymal Road align centreline to centreline with the existing Upper Wentworth Street north of Rymal Road and that Street "B" must align centreline to centreline at both sides of Upper Wentworth Street.
 10. That the owner provide a 3.048m widening on the south side of Rymal Road in order to establish Rymal Road to a width of 18.29m from the original centre line.
 11. That 12m x 12m daylight triangles be established at the intersection of Rymal Road and Upper Wentworth Street and at the intersection of Street "B" and Upper Wentworth Street.
 12. That 2m x 2m daylight triangles are provided on Lot 66 (L-shaped roadways).
 13. That 9m radii are provided at the transitions in and out of all cul-de-sac bulbs.
 14. That the owner shall erect a sign in accordance with Section XI of the subsequent Subdivision Agreement prior to the issuance of a final release by the City of Hamilton.
 15. That the owner agree in writing to satisfy all the requirements, financial and otherwise, of the City of Hamilton.
- b) That a Subdivision Agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Hamilton-Wentworth Region with respect to this application (SA-88-23), Rymal Gardens Inc., owner, and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal service has been approved by City Council.

2. Zoning Application

- 1) That Zoning Application 88-107, Rymal Gardens Inc., owner, requesting changes in zoning from "AA" (Agricultural) District modified, to "C" (Urban Protected Residential, etc.) District (Block "1"), "RT-20" (Townhouse-Maisonette) District (Block "2"), "E" (Multiple Dwellings, Lodges, Clubs, etc.) District (Block "3"), and "G-1" (Designed Shopping Centre) District (Block "4"), for the property located at No. 408 Rymal Road East, as shown on the attached map marked as Appendix "A", be denied, for the following reasons:

- i) a portion of Block "2" is designated "Park and Recreational" in the proposed Chappel East Neighbourhood Plan and, therefore, it is appropriate for these lands to retain the "AA" zoning. In addition, the allowable density under the "RT-20" district regulations exceeds the density permitted by the Neighbourhood Plan;
 - ii) the proposed Chappel East Neighbourhood Plan designates Block "3" for "Attached Housing". In this regard, the proposed "E" District zoning is inappropriate and does not reflect the future intended land use; and,
 - iii) Block "4" conflicts with the Official Plan which designates the Block Residential and Major Institutional. Furthermore, the proposed Chappel East and West Neighbourhood Plans designate it for "Low Density Apartments" and "Single and Double Residential". In addition, there is an adequate supply of commercially zoned land in the immediate area, including a 12 acre parcel and a 2 acre parcel on the north side of Rymal Road at Upper Wentworth Street.
- 2) That approval be given to an amended Zoning Application 88-107, Rymal Gardens Inc., owner, requesting changes in zoning from "AA" (Agricultural) District modified, to "C" (Urban Protected Residential etc.) District (Block "1"), "RT-10" (Townhouse) District (Block "2"), and "DE" (Low Density Multiple Dwellings) District (Block "3"), to permit the development of Block "1" for single-family dwellings, Block "2" for townhouses, and Block "3" for low density apartments, for the property located at No. 408 Rymal Road East, as shown on the attached map marked as Appendix "B" on the following basis:
- i) that Block "1" be rezoned from "AA" (Agricultural) District modified, to "C" (Urban Protected Residential, etc.) District;
 - ii) that Block "2" be rezoned from "AA" (Agricultural) District modified, to "RT-10" (Townhouse) District);
 - iii) that Block "3" be rezoned from "AA" (Agricultural) District modified, to "DE" (Low Density Multiple Dwellings) District;
 - iv) that the City Solicitor be directed to prepare a by-law to amend Zoning By-law No. 6593 and Zoning District Maps E-18E and E-27E for presentation to City Council;
 - v) that the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

EXPLANATORY NOTE:

The purpose of this by-law is to provide for changes in zoning for the property located at No. 408 Rymal Road East, as shown on the attached map marked as Appendix "B", on the following basis:

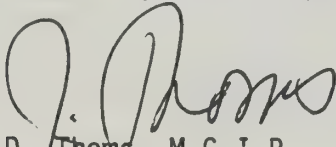
Changes in zoning from "AA" (Agricultural) District modified, to:

Block "1" - "C" (Urban Protected Residential, etc.) District;

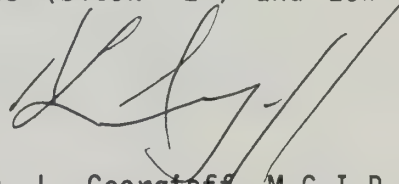
Block "2" - "RT-10" (Townhouse) District; and,

Block "3" - "DE" (Low Density Multiple Dwellings) District.

The effect of the by-law is to permit the development of the subject lands for Single-Family Dwellings (Block "1"), Townhouses (Block "2") and Low Density Apartments (Block "3").



J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development



A. L. Georgieff, M.C.I.P.
Director - Local Planning

FINANCIAL IMPLICATIONS

N/A

BACKGROUND

Owner

Rymal Gardens Inc., c/o Benemar Construction Inc., Hamilton, Ontario

Agent

S. W. Woods Engineering Inc., Hamilton, Ontario

Surveyor

J. D. Barnes Limited, Hamilton, Ontario

Location

The lands, comprising 15.38 ha, are located south of Rymal Road East and north of the Ontario Hydro Power Commission right-of-way in the Chappel West Neighbourhood, City of Hamilton.

LAND USE AND ZONING

<u>Subject Lands</u>	<u>Existing Land Use</u>	<u>Existing Zoning</u>
to the north	vacant parcel, Single-Family Dwellings	"G-1" (Designed Shopping Centre) District "D" (Urban Protected Residential - One and Two Family Dwellings, Townhouse), etc. District "AA" (Agricultural) District
to the south	Hydro Corridor (Glanbrook)	
to the east	Single-family Dwellings vacant parcel	"AA" (Agricultural) District
to the west	Park	"AA"(Agricultural) District

Subdivision Proposal

The owner proposes to subdivide the lands into 96 lots, one block for a park, two blocks for multiple family dwellings, three blocks for commercial development, two blocks for road widenings, one block as a walkway and seven blocks for 0.3m reserves.

Rezoning Proposal

The owner requested the rezoning of the land affected from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District, "RT-20" (Townhouse-Maisonette) District, "E" (Multiple Dwellings, Lodges, Clubs, etc.) District, and "G-1" (Designed Shopping Centre) District.

EXISTING DEVELOPMENT CONTROLS

Hamilton-Wentworth Official Plan - the lands are identified as "Residential and Related Uses" within the "Urban Policy Areas". The proposal does conform.

City of Hamilton Official Plan - the lands are designated as "Residential" and "Major Institutional". The proposal does not conform.

Neighbourhood Plan - the lands are designated for low-density apartments, townhouses, single and semi-detached houses and park and recreational. The proposal does not comply.

Zoning - the lands are zoned "AA" (Agricultural) District. An amendment to the Zoning By-law is required to permit the proposed development.

Niagara Escarpment - the lands are not within the "Development Control Area", therefore, the regulations do not apply.

COMMENTS FROM CIRCULATION

1) Subdivision Application

The following agencies have advised that they have no comment or objection toward the proposal:

- o Ministry of Municipal Affairs;
- o Ministry of Transportation;
- o Ministry of the Environment;
- o Ministry of Natural Resources;
- o Ministry of Culture & Communications;
- o Hamilton Region Conservation Authority;
- o Union Gas, Bell Telephone, Ontario Hydro;
- o City of Hamilton Board of Education;
- o Hamilton-Wentworth Separate School Board;
- o City of Hamilton Traffic Department; and
- o City of Hamilton Building Department (subject to rezoning).

The Hamilton-Wentworth Department of Engineering has submitted the following comments and recommendations:

On February 1, 1989:

- "a)
1. It is recommended that the owner provide a 3.048m widening on the south side of Rymal Road in order to establish Rymal Road to a width of 18.29m from the original centre line.
 2. It is recommended that a 12m x 12m daylight triangle be established at the intersection of Rymal Road and Upper Wentworth Street.
 3. Upper Wentworth Street, south of Rymal Road, must align centre line to centre line with Upper Wentworth Street, north of Rymal Road.
 4. It is recommended that his plan be held in abeyance until such time as the neighbourhood plan for Chappel East has been completed.

5. 2m x 2m daylight triangles are required on Lots 41, 83, and 84 (L-shaped roadways).
6. 9m radii are required at the transitions in and out of all cul-de-sac bulbs.
7. Street "E" must be increased to a width of 20m from 18m.
8. The owner must acquire the lands required to gain access to the lands south of Block "95" or these lands be registered after the lands south of Block "95" are developed.
9. The owner must enter into Subdivision Agreements with both the City of Hamilton and the Region prior to the development of any portion of these lands.
10. The submitted plan, as prepared by J. D. Barnes Ltd. and dated October 26, 1988, is satisfactory to the Department of Engineering, subject to the above-noted comments and recommendations.

For your information:

1. Access to the Blocks adjacent to Rymal Road may be restricted at some future date if concrete median islands are constructed on Rymal Road.
2. As the neighbourhood plan to the east has not been completed, the mid-block collector streets have not been identified, which should likely be done before approving this plan.
3. There appear to be some discrepancies on the dimensions shown on the draft plan and M.T.O. Plan P-1944-19, and this should be confirmed by the applicant's surveyor.
4. The proposed subdivision can be serviced with storm and sanitary sewers to the municipal sewer system on Upper Wentworth Street northerly. This system will be installed from the north to Rymal Road in 1989.
5. For planning purposes, it is essential to note that a future street or 12m sewer easement will be required in the area just south of Block "96" (see attached plan).
6. Blocks "95" and "96" can be serviced for water from the existing watermain on Rymal Road. Servicing of the remaining lots will require the developer to obtain easements (temporary) through lands owned by others south of Blocks "95" and "96" along the proposed streets.
7. The Region is expecting to cost share for watermain oversizing in the amount of approximately \$193,000.00.

b) On July 8, 1989

1. The sewer system on Upper Wentworth Street northerly to Rymal Road is presently available.
2. The proposed development can be serviced for water from Rymal Road. Cost sharing by the Region is expected to be approximately \$193,000.00.
3. The recommendation, Item 4 of our previous comments dated February 1, 1989 should be revised to read: "It is desirable that this plan be held in abeyance until such time as the neighbourhood plans for Chappel East and West have been completed.
4. Items 7 and 8 of our previous comments dated February 1, 1989 can be deleted.
5. The subject plan, as revised and prepared by J. D. Barnes, O.L.S. and dated October 26, 1988 is satisfactory to the Department of Engineering subject to the above-noted comments and recommendations.

c) On October 23, 1989

1. Street "F" must be established to a width of 20m.
2. It is recommended that no direct access to single-family dwellings be permitted from Upper Wentworth Street.
3. It is recommended that a 0.3m reserve be established along the east limit of Lots 85 and 86 on Upper Wentworth Street.
4. It is recommended that 2m x 2m daylight triangles are required on all L-shaped roadways, specifically at Lot 66.
5. Street "B" must be widened to 26m from Upper Wentworth Street to 90m easterly with 12m x 12m daylight triangles at all four corners. Street "B" must also align centreline to centreline on both sides of Upper Wentworth Street. Street "B" west of Upper Wentworth Street is satisfactory at a width of 20m.
6. The subject plan, as prepared by J. D. Barnes, O.L.S., dated October 26, 1988 (printed August 8, 1989) is satisfactory to the Department of Engineering subject to the above comments and recommendations.

2) Rezoning Application

Comments from circulated agencies

No commenting agency has objected to the proposed zoning of the subject land.

COMMENTS

1. This report deals with and includes recommendations in regard to a proposed draft plan of subdivision and a proposed amendment to the Zoning By-law to implement the plan.
2. The conformity of the revised proposal with the Official Plans and the need for a zoning by-law amendment are noted.
3. The plan was revised by changing the proposed commercial development to multiple housing development in accordance with the Official Plan and the Neighbourhood Plan.
4. No agencies have raised any objection or made recommendations to be included as conditions for this proposed plan of subdivision.

5. Official Plan

Block "4", as submitted, does not comply with the Official Plan. A site specific redesignation from "Residential" and "Major Institutional" to "Commercial", and to create a "Special Policy Area" to exempt the development from Policy D.2.5 x) would be required to permit the proposal. Blocks "1", "2" and "3" comply with the intent of the Official Plan.

6. Neighbourhood Plan

The proposal conflicts with the proposed Chappel East and West Neighbourhood Plans and requires redesignation.

7. Zoning

The application, as submitted, can only be supported for Block "1" since it implements the proposed Neighbourhood Plan.

The proposed "RT-20" zoning district for Block "2" is not appropriate and is changed to an "RT-10" District. In addition, the portion of the proposed Neighbourhood Plan designated for "Park and Recreational" should remain zoned as "AA" District instead of the requested "RT-20" District.

The requested "E" zoning for Block "3" is not appropriate, and is changed to an "RT-10" District. Provision has been made for higher density residential uses on lands abutting Rymal Road East.

The proposed commercial site (Block "4") cannot be supported as there is an adequate supply of commercially zoned and designated land in the surrounding area. Including:

<u>Location</u>	<u>Size</u>	<u>Zone</u>
1) North-east corner of Rymal Road East and Upper Wentworth Street	12 ac	"G-1" District

<u>Location</u>	<u>Size</u>	<u>Zone</u>
2) North-west corner of Rymal Road East and Upper Wentworth Street	2 ac	"G-1" District Modified
3) South-west corner of Rymal Road East and Upper Sherman Avenue	1.5 ac	Designated only
4) North-west corner of Rymal Road East and Upper Sherman Avenue	4.5 ac	"G-1" District

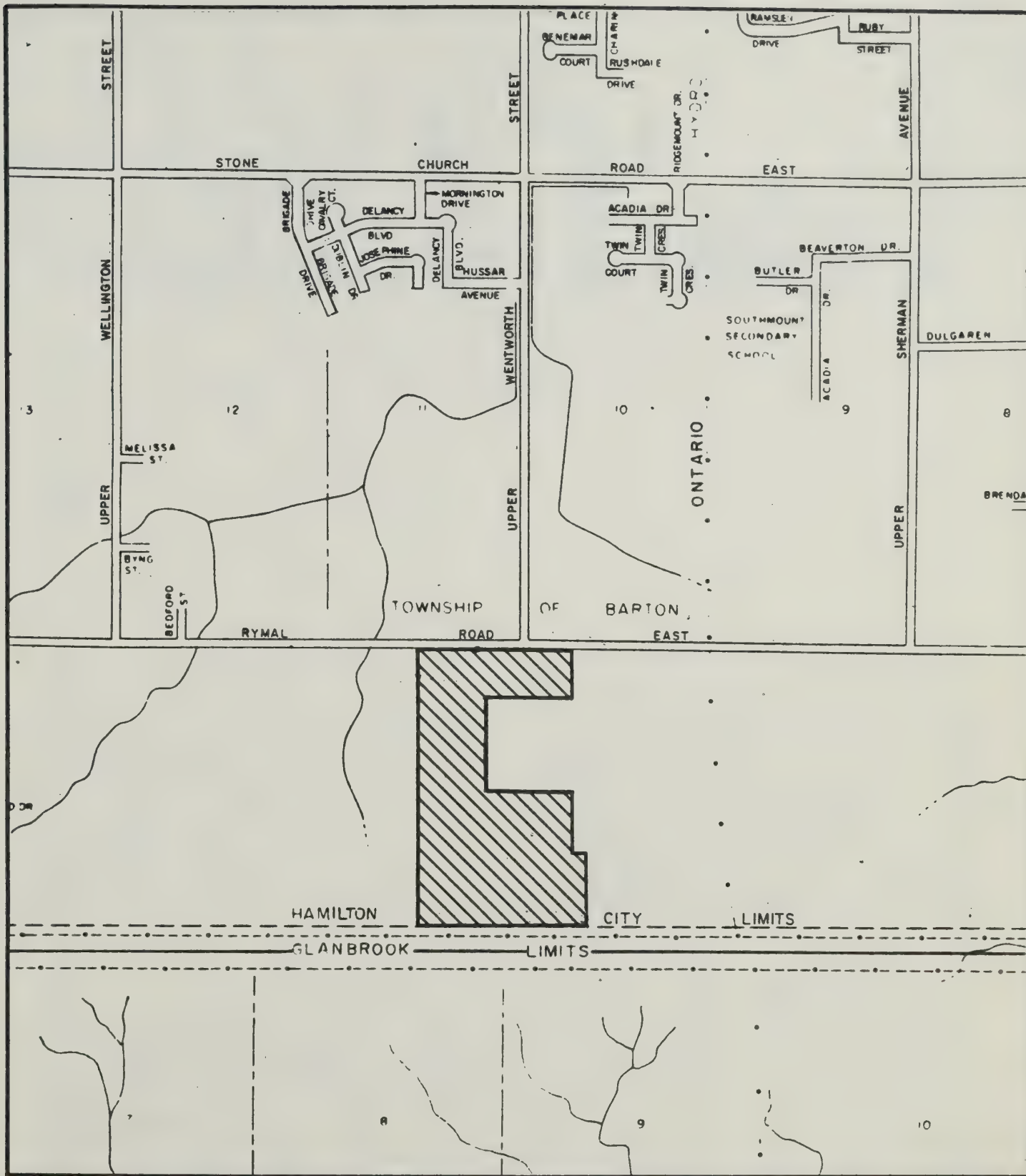
Additional commercial land would undermine the viability of the existing commercial lands. Furthermore, it conflicts with the Official Plan which identifies both the location and types of shopping centres for the south mountain area, as well as the proposed Neighbourhood Plan which designates the area for "Low Density Apartments" and "Single and Double Residential".

8. In order to implement the proposed Neighbourhood Plans, an amended zoning application, as identified below, can be supported (see Appendix "C"):

Changes in zoning from "AA" (Agricultural) District, modified to:

Block "1"- "C" (Urban Protected Residential, etc.) District;
Block "2"- "RT-10" (Townhouse) District; and
Block "3"- "DE" (Low Density Multiple Dwellings) District.

9. The revised proposal has merit and can be supported for the following reasons:
- o it implements the intent of both the Official Plan and the approved Chappel West Neighbourhood Plan;
 - o it would be compatible with existing and future development in the area; and,
 - o the requested change in zoning is appropriate for the proposed development.
10. Under the "DE" and "RT-10" District regulations, the lands would be subject to Site Plan Control By-law 79-275 as amended by By-law 87-223. Matters such as parking, access, grading, landscaping etc. will be reviewed during the site plan approval process.



Location Plan For

THE GARDENS OF RYMAL

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend



PROPOSED SUBDIVISION

North



Scale
N. T. S.

Date
NOV. 2, 1988

Reference File No.
25T- 88037

Drawing No.

CAUTION:
THIS IS NOT A FINAL PLAN AND IS SUBJECT TO
REVISION AND AMENDMENT

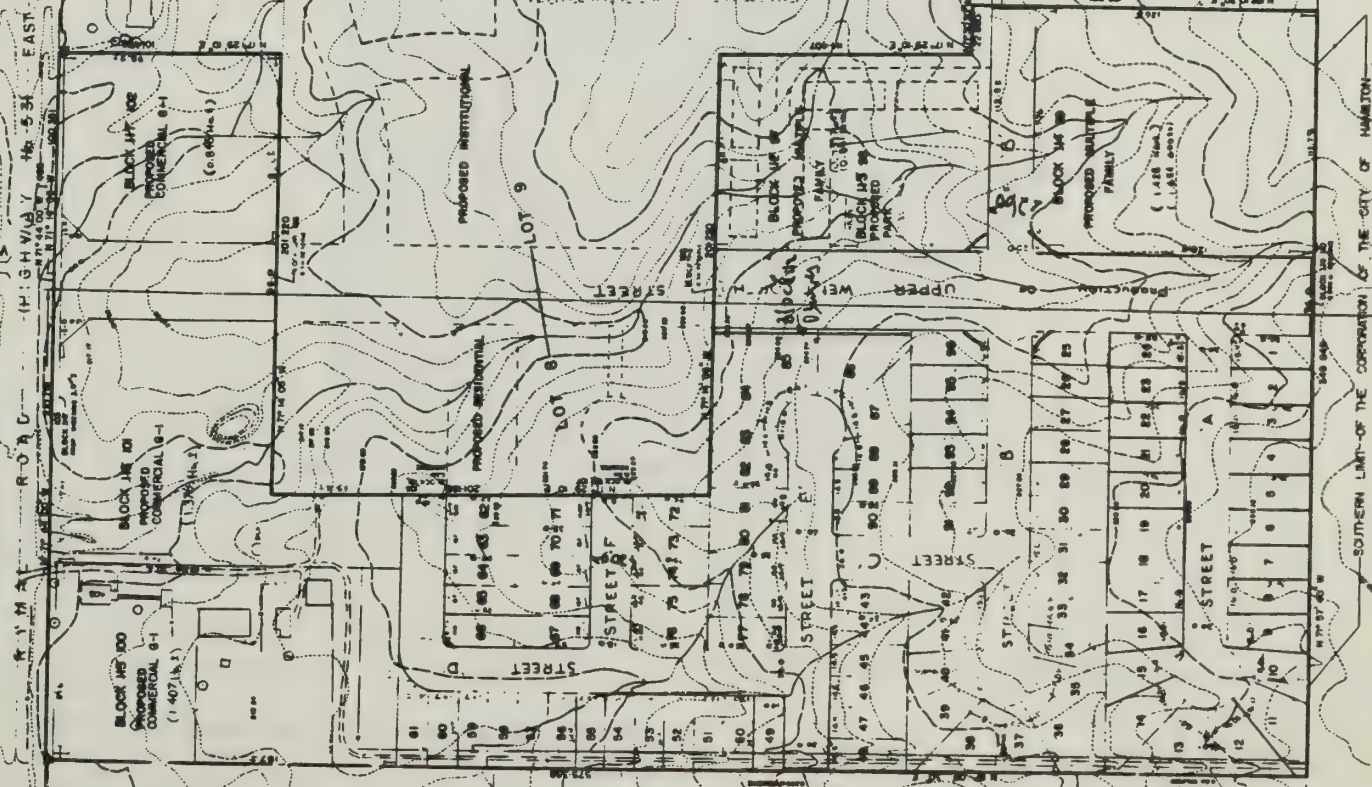
NOTE:
CONTOURS SHOWN ON THIS PLAN HAVE BEEN
TAKEN FROM REGIONAL LAND USE MAPS

Block 104
Writing 104

Highway 104

CORPORATION OF THE CITY OF HAMILTON

Block 103
Woolway



KEY PLAN
SCALE 1:1000

REVISED DRAFT PLAN

OF
THE GARDENS OF RYMAL (25T-88037)

BEING
PART OF LOTS 8 & 9, CONGRESSION ONE

TOWNSHIP OF GLAMFORD

CITY OF HAMILTON

IN THE
REGIONAL MUNICIPALITY OF HAMILTON - WESTMONT

Scale 1:1000

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SURVEYOR'S CERTIFICATE

I CERTIFY THAT

THE BOUNDARIES OF THE LINES UNDER APPLICATION BY THIS PLAN
AND THEIR RELATIONSHIP TO THE ADJACENT LANDS ARE ACCURATELY
AND CORRECTLY SHOWN

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OWNER'S CERTIFICATE

WE HEREBY AUTHORIZE SIDNEY W. WOODS ENGINEERING INC. TO

SUBMIT THIS PLAN FOR APPROVAL

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SCHEDULE:

RESECTION DORS OF THE PLANNING ACT 1908/08

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SIDNEY W. WOODS
ENGINEERING INC.

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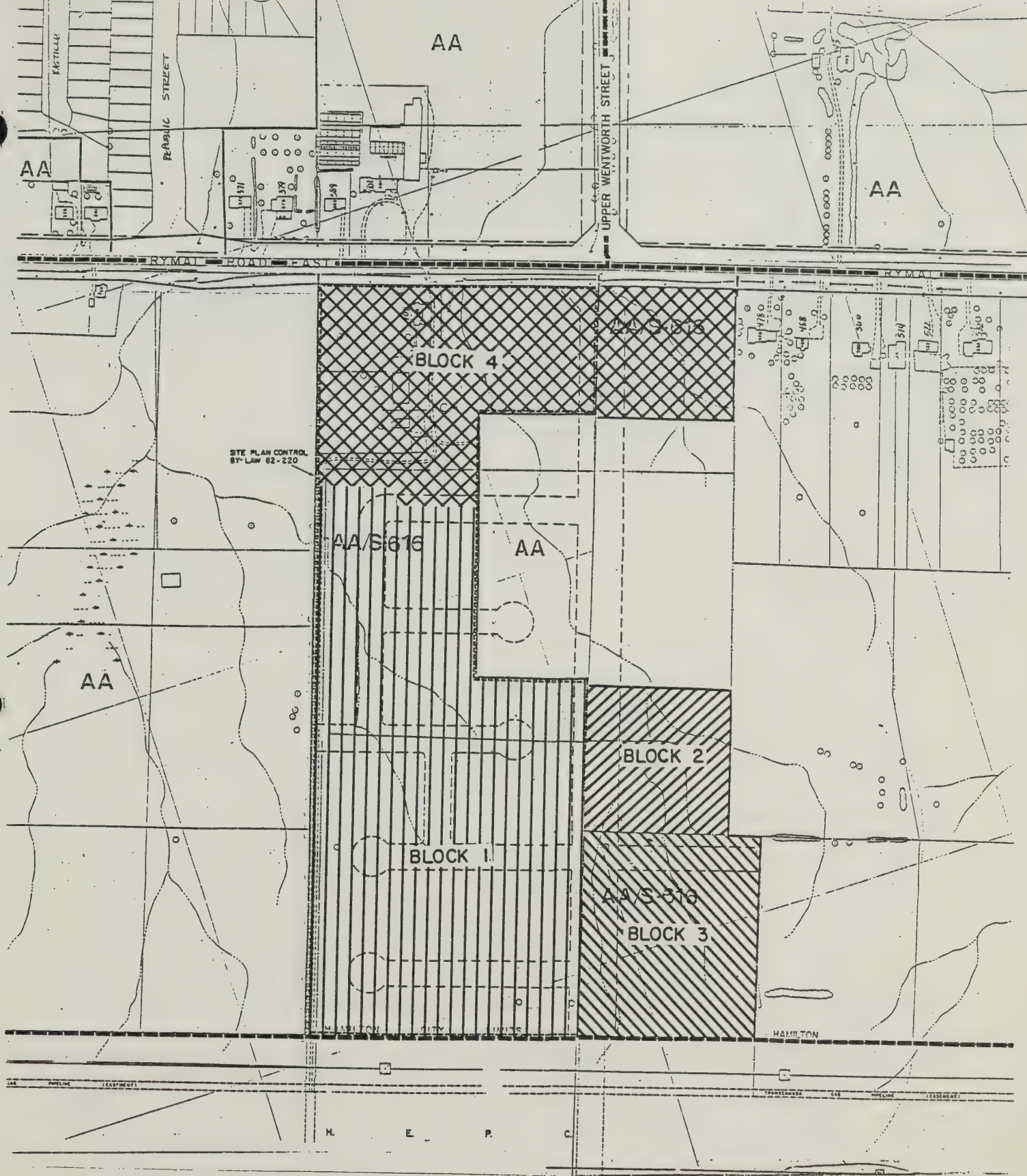
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LAWS OF MTRC ELECTRIC POWER COMMISSION OF ONTARIO

SOUTHERN LIMIT OF THE CORPORATION OF THE CITY OF HAMILTON



Legend

Proposed change in zoning from "AA" (Agricultural) district, modified to:



BLOCK 1

"C" (Urban Protected Residential, etc.) district.



BLOCK 2

"RT-20" (Townhouse - Maisonette) district.



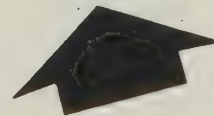
BLOCK 3

"E" (Multiple Dwellings, Lodges, Clubs, etc.) district.



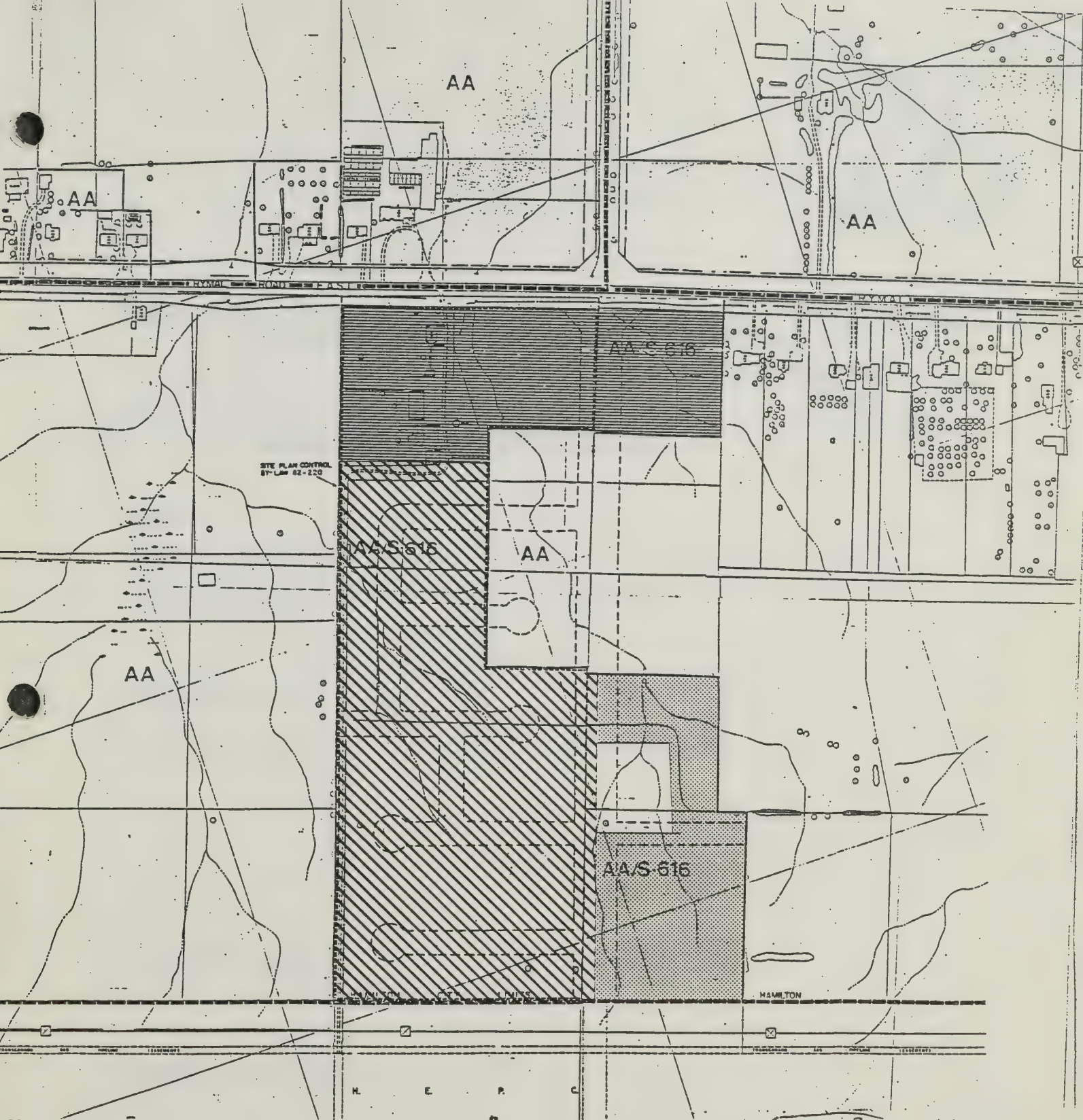
BLOCK 4

"G-1" (Designed Shopping Centre) district.



ZA 88 - 107

APPENDIX A



Legend

Proposed change in zoning from "AA"(Agricultural) District modified to:

BLOCK 1

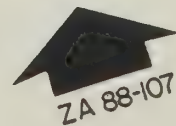
"C"(Urban Protected Residential, etc.) District.

BLOCK 2

"RT-10"(Townhouse) District.

BLOCK 3

"DE" (Low Density Multiple Dwelling)District.



FOR ACTION

26.

REPORT TO: SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT COMMITTEE

DATE: October 3, 1989

COMM. FILE:

DEPT. FILE: P5-2-43

FROM: J. D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

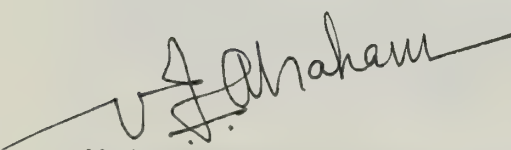
Eleanor
Neighbourhood

SUBJECT:

Neighbourhood Plan Review
North-West Corner of Upper Gage Avenue and Rymal Road East
Eleanor Neighbourhood.

RECOMMENDATION:

That the land use designations shown on Map 1, be adopted by Council.


V. J. Abraham, M.C.I.P.
Director of Local Planning

FINANCIAL IMPLICATIONS

N/A

BACKGROUND:

- o On November 27, 1973 the Eleanor Neighbourhood Plan was adopted by City Council. The subject area was designated for medium density apartments with a small commercial area at the corner of Upper Gage and Rymal Road East (Map 2).
- o On May 28, 1987, Mr. Silvestri submitted a zoning application for 1606 Upper Gage Avenue. The proposed change was from 'AA' (Agricultural) and 'C' (Urban Protected Residential) to 'E-2' (Multiple Dwellings). The proposal conformed to the Eleanor Neighbourhood Plan which designated the area Medium Density Apartments (Map 3).
- o On September 24, 1987, Mr. Harnden and Mrs. Anderson submitted a zoning application for 1610, 1614, 1620 and 1626 Upper Gage Avenue. The proposed change was from 'AA' (Agricultural) and 'C' (Urban Protected Residential) to 'E-2' (Multiple Dwellings). The proposal conformed to the Eleanor Neighbourhood Plan which designated the area Medium Density Apartments (Map 3).
- o On February 24, 1988 the Planning and Development Committee and Council denied the applications and directed staff to review the neighbourhood plan designations in this area.
- o On November 8, 1988 the Ontario Municipal Board upheld Council's decision on the zoning applications and the need for Land Use review.
- o On November 8, 1988 Mr. Parente, on behalf of Jerome Calzonetti submitted a zoning application for 829, 837, 845 and 867 Rymal Road East. The proposed change is from 'AA' (Agricultural) and 'C' (Urban Protected Residential) to "H" (Community Shopping and Commercial). The proposal did not conform to the Eleanor Neighbourhood Plan with the exception of the north-west corner of Upper Gage Avenue and Rymal Road which is designated commercial. (Map 3)
- o The Land Use Review was started in March, 1989. Background information was collected on land use, ownership, topography, etc., and three land use options were prepared based on the general guidelines in the Official Plan. The options are available in the report dated May 17, 1989. For ownership see Map 4.
- o On June 14, 1989 the Planning and Development Committee approved a public meeting to consider the options.
- o A public meeting was held on July 19, 1989 to discuss the proposed land use option.

The following issues were discussed at the Public Meeting:

- location of medium density housing;
- the merits of single family houses as opposed to townhouses and/or apartment units;
- objections to the proposed townhouses and/or apartment units;
- traffic; and,
- noise.

N.B. Copies of reports, submissions and Maps 5, 6 and 7 can be obtained from Susan Reeder, Planning and Development Committee Secretary.

ANALYSIS

The Land Use Designations in the Eleanor Neighbourhood Plan have remained unchanged for the area under review. However, the area to the north was originally designated for townhousing but developed for single family housing.

The area under review is designated Medium Density Apartments except for the south east corner which is designated commercial. The edge of the neighbourhood is an appropriate location for higher density housing and commercial. However, it is desirable to buffer low density housing from higher density housing with medium density. The gradation of density is supported in the Official Plan to protect amenity, privacy and value. The area abutting Upper Gage Avenue is most suitable for higher density housing since it is at a distance from single family development. The owners of these lands would like approval for apartments.

A cross section has been prepared to show how overshadowing of single family housing to the north could be minimized. A gradual reduction of stories from 6 would allow the single family dwelling at 1598 Upper Gage Avenue to receive direct sunlight on the shortest day. Sight lines have been established on an east-west cross section to show how 3 storey townhousing could buffer the 6 storey apartments from 2 storey single family housing (Appendix 2). Six storeys is the highest the apartments should be to maintain a human scale and to prevent domination of a predominantly low rise area.

From these analyses the limits of townhouse and medium density apartments have been established. This building 'envelope' will minimize impacts of one type of residential use upon another.

The owner of the lands abutting Rymal Road East would like to develop a commercial plaza. Rymal Road east already has significant areas of commercial designated land including approximately 15.00 acres immediately to the east of Upper Gage Avenue. Other areas designated include approximately 12.00 acres in the Butler Neighbourhood at Rymal Road East and Upper Wentworth.

Within the neighbourhood there are approximately 13.25 acres of community neighbourhood and convenience commercial. The standard for such commercial is about 1.1 acres per thousand population. The Eleanor Neighbourhood is planned to have 4.023 people. The area therefore has sufficient commercial to serve area residents. Only the existing tavern should therefore be designated commercial according to need. However, an equal floor area of residential in the form of apartments above commercial would contribute to the much needed stock of affordable housing as well as to a variety of accommodation.

The additional commercial would be approximately 1.00 acre and would be accessible from the interior of the neighbourhood using the walkway from Eaglewood Drive. Under these conditions a mixed commercial/residential could be supported as far west as 837 Rymal Road East. Only the commercial in the existing neighbourhood plan is supported if apartments are not provided. The remainder of the area would be suitable for townhousing. Map 1 shows the recommended plan.

SUBMISSION REVIEW:

The location of submittees is shown on Map 8.

ISSUE: Townhouse and medium density apartment designations and their impacts.

<u>Submittee:</u>	(1) Mrs. A. Miller	1574 Upper Gage Avenue
	(2) Mr. & Mrs. G. Pearce	465 Eaglewood Drive
	(3) Mr. & Mrs. R. DeMerchant	10 Sinena Avenue
	(4) Mrs. T. Danieli	14 Sinena Avenue
	(5) Mr. & Mrs. A. Mendes	18 Sinena Avenue
	(6) Mr. & Mrs. N. Nicolae	22 Sinena Avenue
	(7) Mr. G. Peitchinis	487 Eaglewood Drive
	(8) Mr. R. Lewczuk	508 Eaglewood Drive
	(9) Mr. & Mrs. G. Bertollo	784 Rymal Road East

(1) Concern:

Object to any type of multi family housing for the following reasons:

(a) Loss of Privacy.

Comment:

The recommended design would minimize invasion of privacy due to the arrangement and height of buildings. Landscaping can further minimize the problem. Layout will be controlled through a site plan application.

(2) **Concern:**

Reduction of property value.

Comment:

A well designed balanced neighbourhood would enhance property values. Development in accordance with the recommended plan would minimize any negative impacts of property values in the immediate vicinity.

(3) **Concern:**

Traffic and noise.

Comment:

Medium density housing with direct access to the arterial road system will not increase traffic in the interior of the neighbourhood. Apartments also provide the opportunity to buffer the interior of the neighbourhood from traffic noise on the arterial roads.

(4) **Concern:**

Submittees 1 to 8 would prefer a commercial land use rather than townhouses and apartments.

Comment:

From a planning point-of-view, the area is well serviced by commercial lands.

(5) **Concern:**

Submittee 1 may support 3 to 4 storey senior citizens apartments.

Comment:

The proposed medium density apartment designation allows for senior citizens apartments.

(6) **Concern:**

Submittee 9 supports Option A which designates the area for single and semi-detached houses, townhouses and commercial; but prefers single family houses.

Comment:

The site is appropriate for higher density housing.

ISSUE: Commercial land use designation.

Submittee: 10 Mr. J. A. Parente on behalf of Jerome Calzonetti.

(1) **Concern:**

Supports commercial along Rymal Road East.

Comment:

There is sufficient commercial land in the area to meet the community shopping and commercial service needs. However, commercial combined with an equal amount of affordable residential in the form of apartments combined with commercial would be supportable.

ISSUE: Townhouse and medium density apartment designation need and suitability.

Submittee: Mr. Harnden 1620 Upper Gage Avenue

(submitted a petition with 65 signatures, 62 supporting multi-storey apartments or condominiums and 3 supporting townhousing. It is noted that the citizens who signed the petition, with the exception of four, live beyond the land use study area. None are adjacent residents and the others live in the city and surrounding municipalities).

(1) **Concern:**

Supports medium density apartment designation with 6 storey limit.

Comment:

Transition from townhouses to medium density apartments minimizes land use impacts.

CONCLUSION:

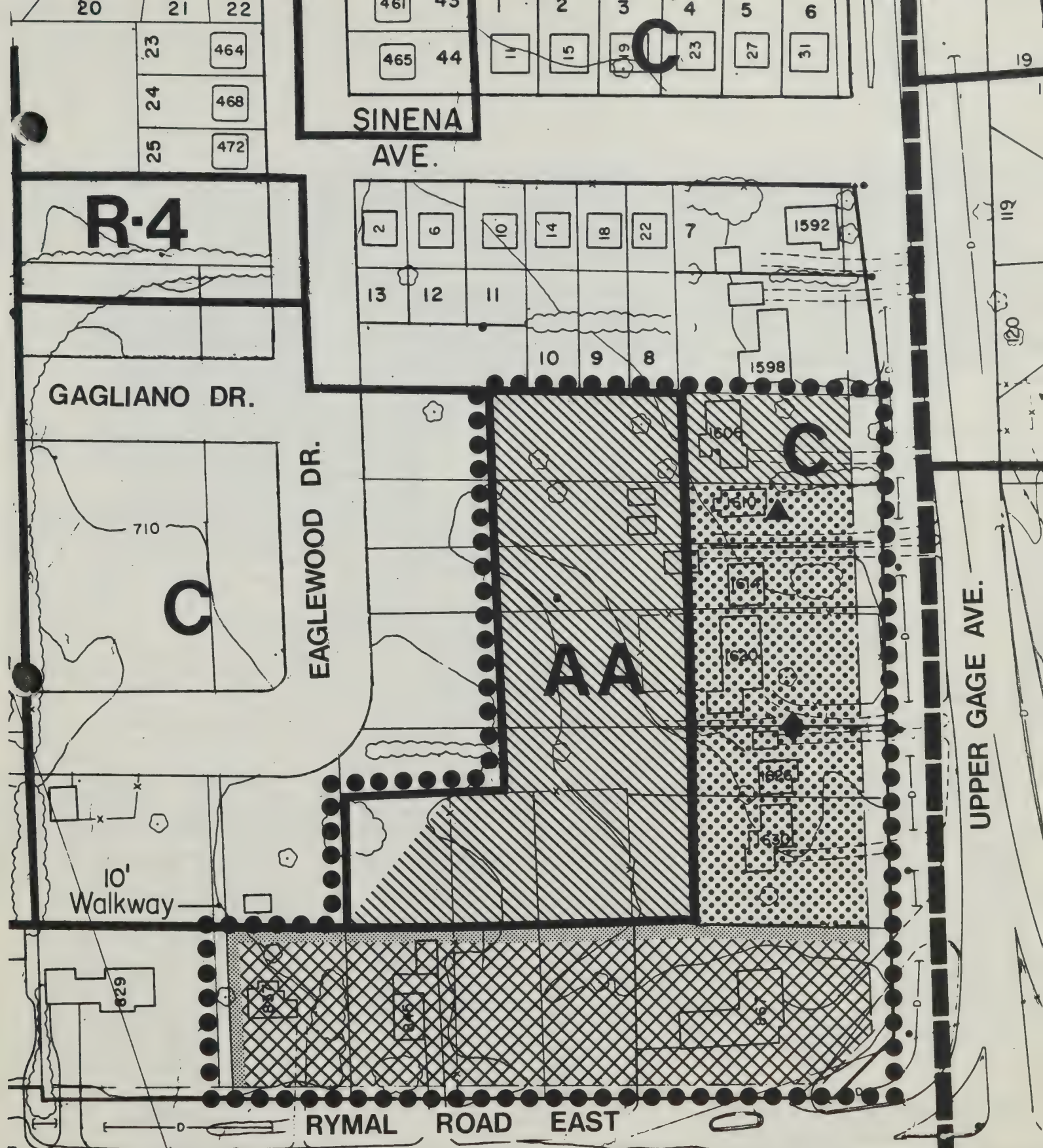
The proposed plan shown on Map 1 provides:

- (1) a mix of higher and medium density housing to complement the predominantly single family development in the Eleanor Neighbourhood.

- (2) a low profile development with minimum impact on adjacent single family housing.
- (3) affordable housing, approximately 60 apartment units, 25 townhouse units and 35 apartment units above stores.
- (4) Approximately 1.35 acres (net) neighbourhood commercial.

The Eleanor Neighbourhood Plan should be amended in accordance with Map 1.

DG/II/ns
ELEANOR



City of Hamilton
Neighbourhood Location



Land Use

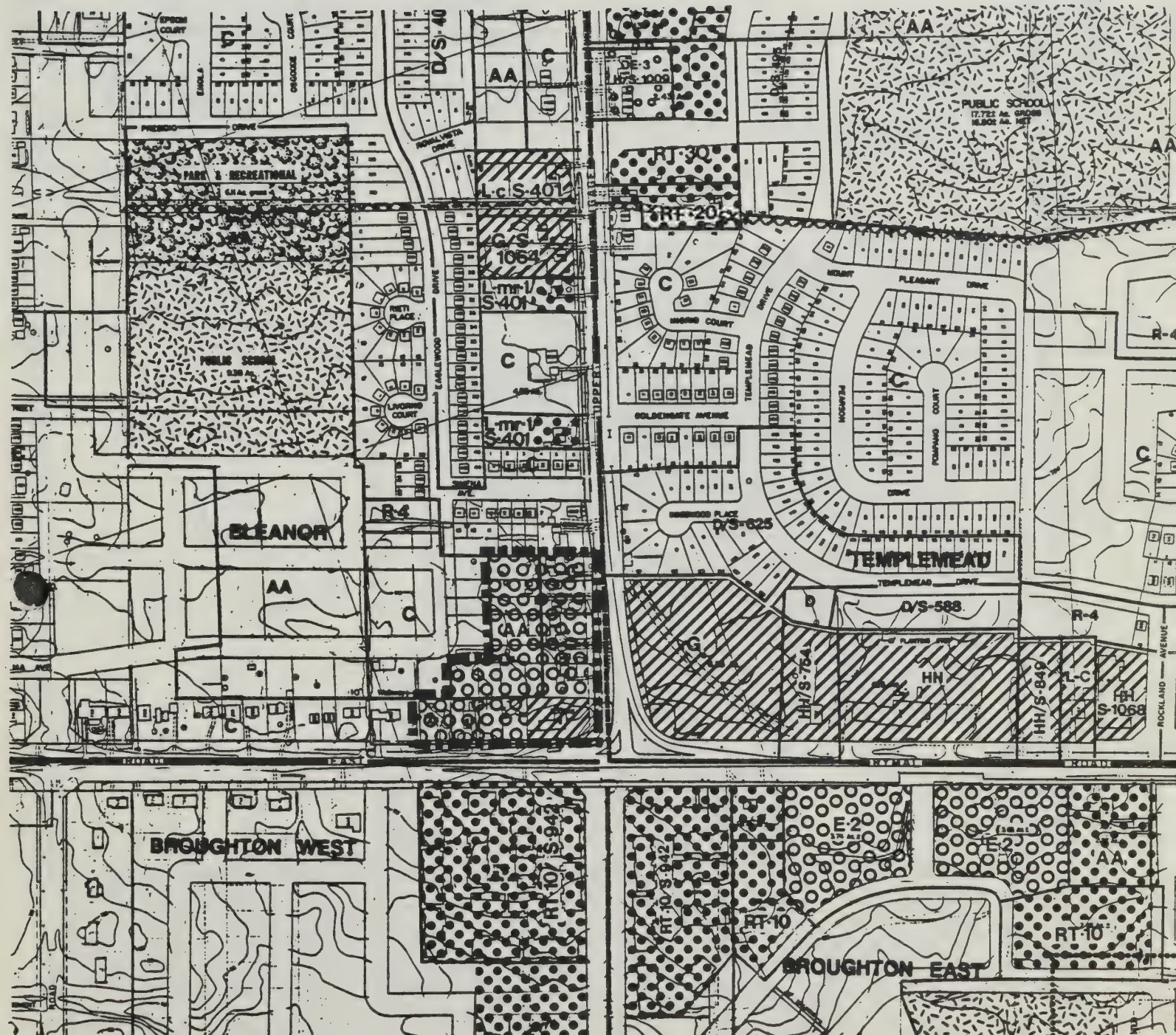
- | | | | |
|--|---|--|---------------------|
| | Single and Double | | Four Storey Maximum |
| | Attached Housing | | Six Storey Maximum |
| | Medium Density Apartments | | |
| | Commercial and Apartments
(Min. 50% Residential) | | |
| | Land Use Review Area | | |
| | Planting Strip | | |

Note: This is a guide plan only and is subject to change. For details contact the Local Planning Division of the Regional Municipality of Hamilton-Wentworth.

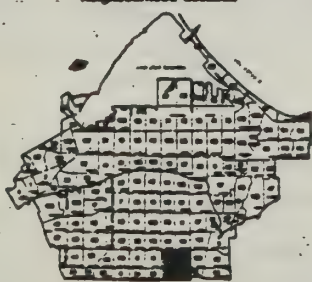
- | | | |
|--|----------------------------|---|
| | Neighbourhood Boundary | Approvals:
Planning Comm.
Council |
| | Zoning Boundary | |
| | Site Plan Control Boundary | |
- Latest Map Amendment

Map 1 PROPOSED PLAN

Prepared for the City of Hamilton by the Planning and Development Department
Regional Municipality of Hamilton-Wentworth



City of Hamilton
Neighbourhood Location



MAP 2

Land Use

Residential

- Single and Double
- Attached Housing
- Low Density Apartments
- Medium Density Apartments
- High Density Apartments
- Commercial and Apartments

Non-Residential

- Commercial
- Industrial
- Club and Institutional
- Park and Recreational
- Open Space
- Utilities

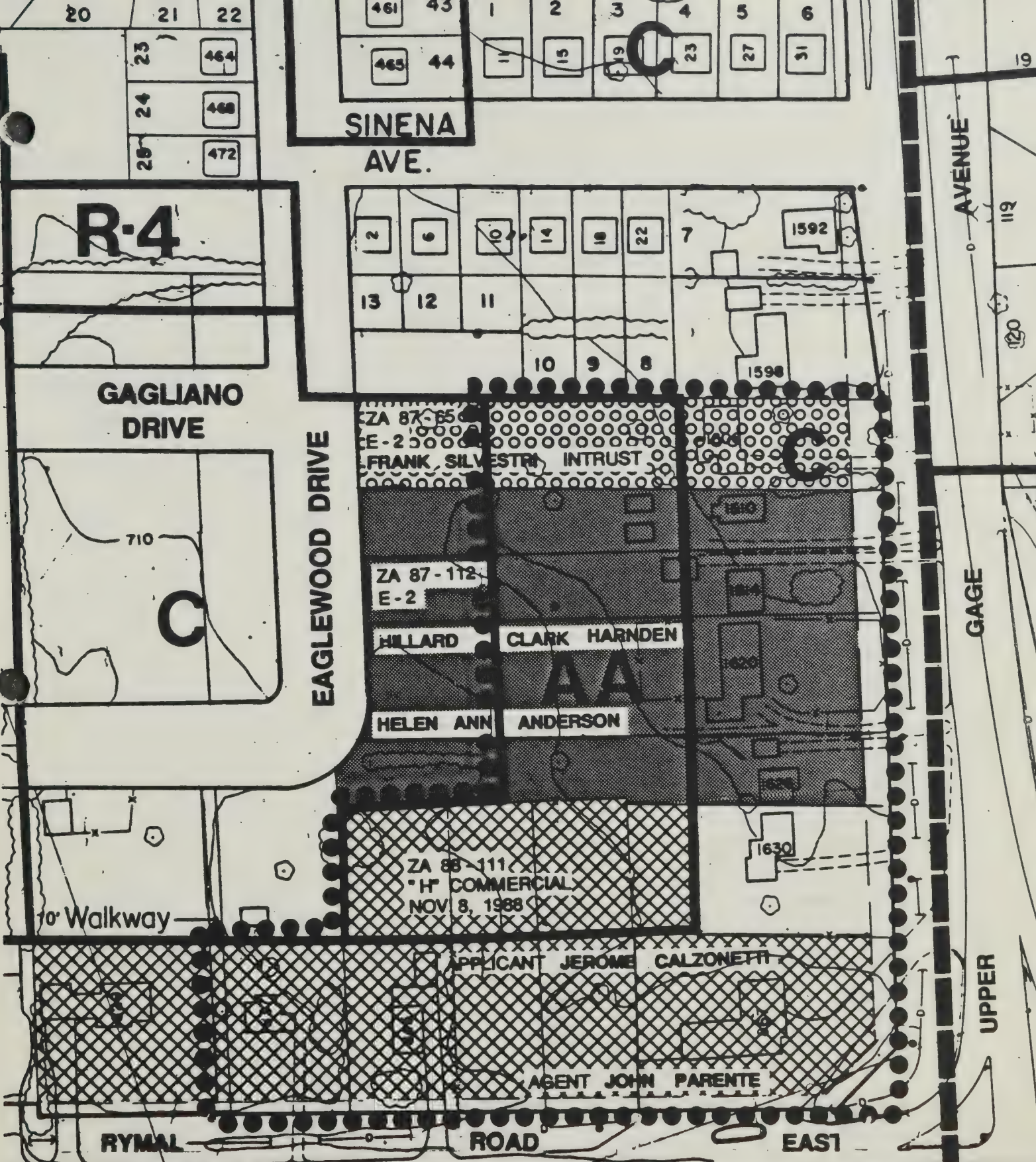
LAND USE REVIEW AREA

Note: This is a plan only and does not represent a design. For details consult the Land Planning Division of the Regional Municipality of Hamilton-Wentworth.

- Neighbourhood Boundary
- Zoning Boundary
- Site Plan Control Boundary
- Approved Planning Commission
- Approved Council
- Latest Map Amendment

APPROVED NEIGHBOURHOOD PLANS

Proposed by the City of Hamilton for the Planning and Development Department
Regional Municipality of Hamilton-Wentworth



City of Hamilton
Neighbourhood Location

LOCATION OF ZONING APPLICATION

ZA 87 - 65 to 'E2' APARTMENTS

ZA 87 - 112 to 'E2' APARTMENTS

ZA 88 - 111 to 'H' COMMERCIAL

LAND USE REVIEW AREA

Note: This is a preliminary map only and is subject to change. For details consult the Local Planning Officer of the Regional Municipality of Hamilton-Wentworth.

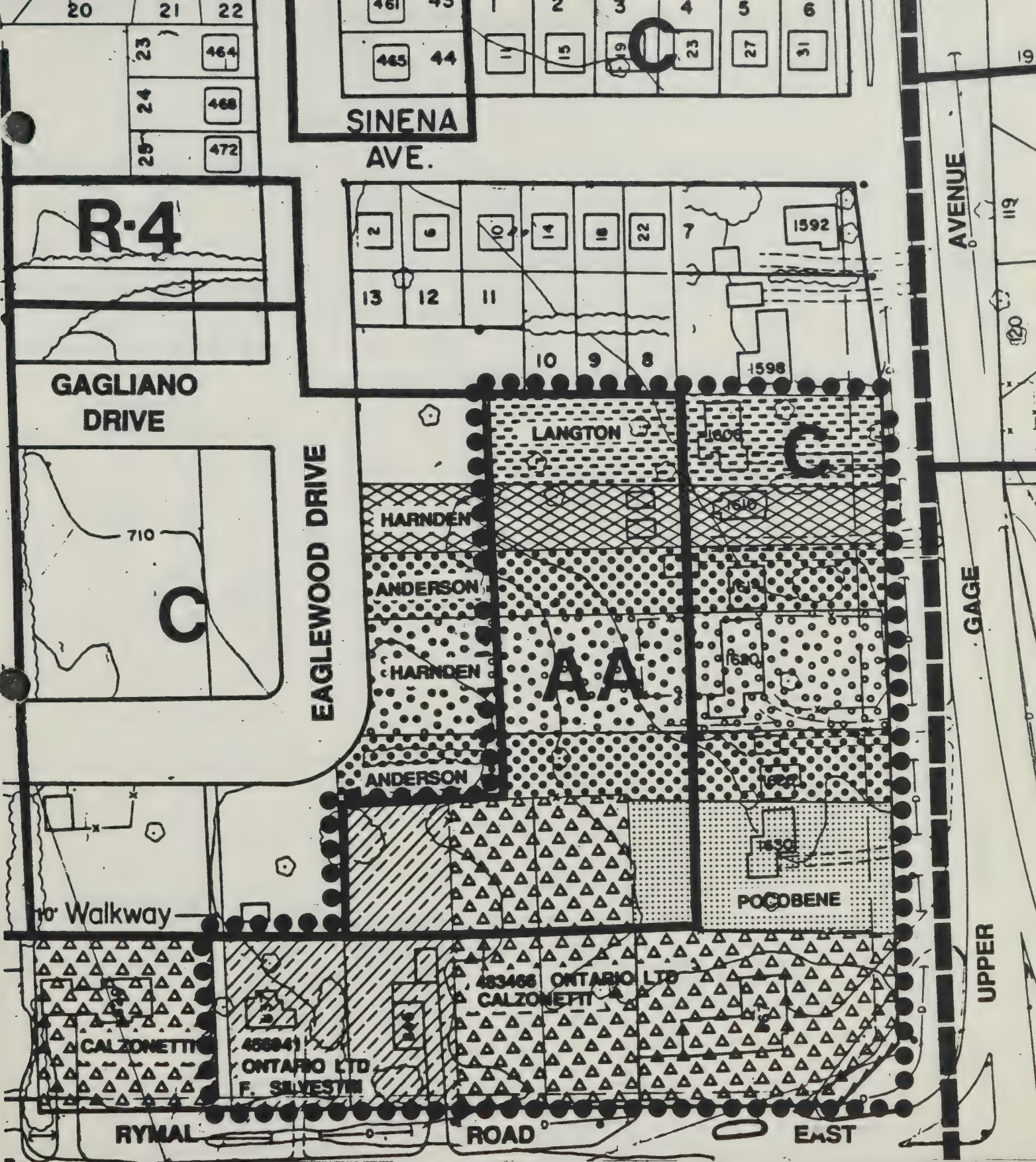
Neighbourhood Boundary
Zoning Boundary
Site Plan Control Boundary
Latest Map Amendment

Approved:
Planning Comm.
Council

ZONING APPLICATION

PROPOSED PLAN

Proposed for the City of Hamilton by the Planning and Development Department
Regional Municipality of Hamilton-Wentworth



City of Hamilton
Neighbourhood Location



MAP 4

● ● LAND USE REVIEW AREA

Notes: This is a guide only and is subject to change. For details contact the Local Planning Officer of the Regional Municipality of Hamilton-Wentworth.

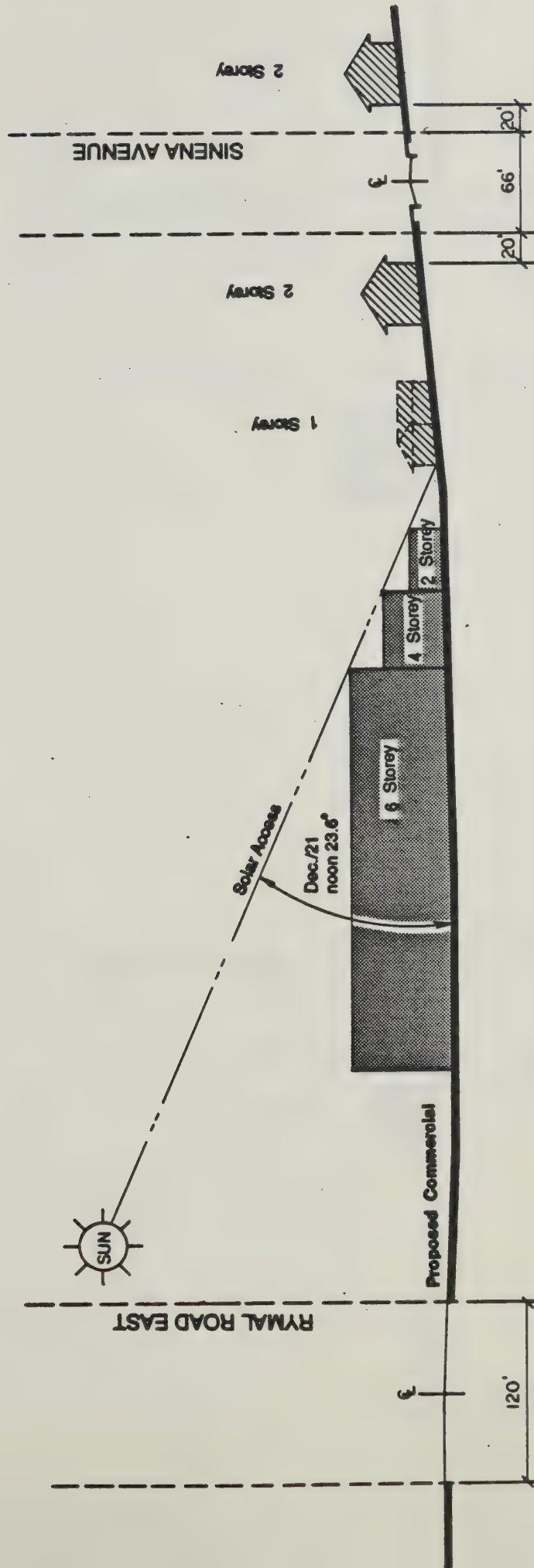
- Neighbourhood Boundary
- Zoning Boundary
- Site Plan Control Boundary
- Latest Map Amendment
- Approval: Planning Comm. Council

OWNERSHIP



ELEANOR NEIGHBOURHOOD REVIEW POTENTIAL DEVELOPMENT

CROSS SECTION SCALE 1"=100'



LEGEND

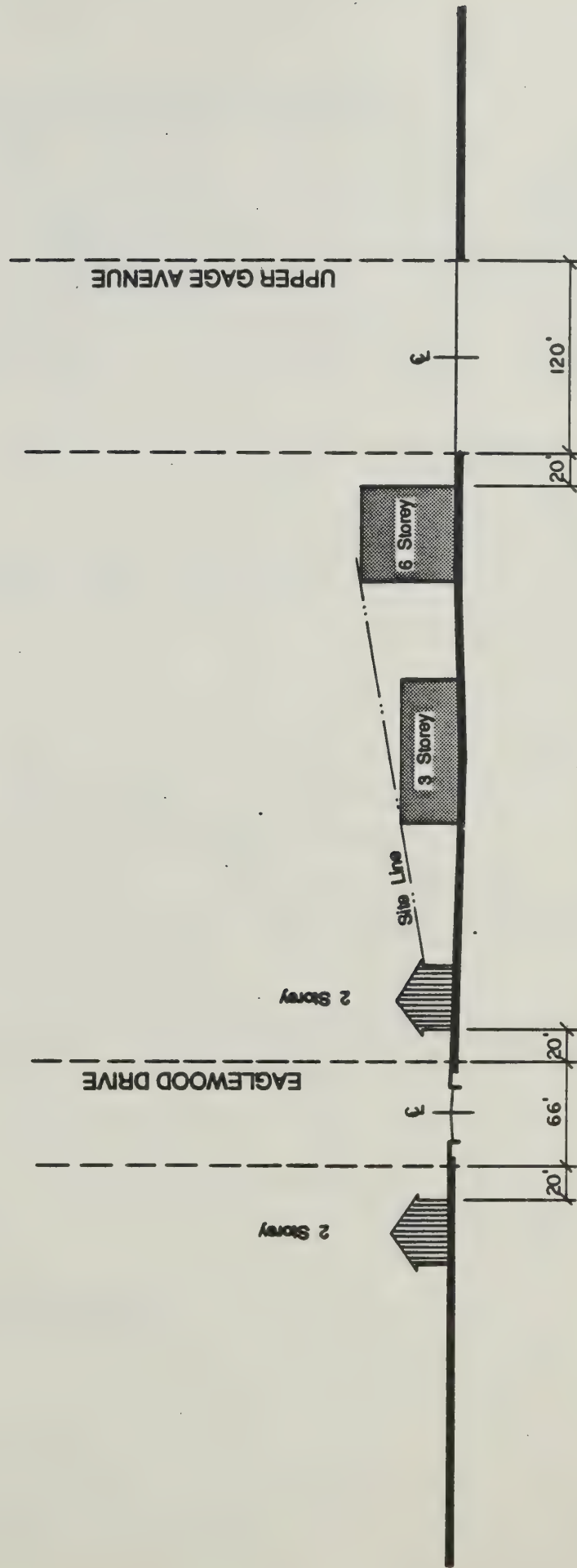
Existing Buildings

Possible Development



APPENDIX 1

ELEANOR NEIGHBOURHOOD REVIEW POTENTIAL DEVELOPMENT

CROSS SECTION SCALE 1"=100'



LEGEND

-  Proposed Buildings
-  Possible Development

AGRO, ZAFFIRO, PARENTE, ORZEL & BAKER

BARRISTERS & SOLICITORS

NICHOLAS J. ZAFFIRO, Q.C.
EDWARD J. ORZEL, Q.C.
STANLEY P. JASKOT, B.A., LL.B.
JOHN W. LOGAN, B.A., LL.B.
MICHAEL DALE PARAYESKI, LL.B.
JANE A. MILANETTI, B.A., LL.B.
VANDA A. SANTINI, B.A., B.C.L., LL.B.
Z. S. PETE VOLARIC, B.A., LL.B.
KATHRYN A. McKAGUE, B.A. (HONS), LL.B.

JOHN A. PARENTE, Q.C.
MICHAEL L. BAKER, Q.C.
FRANCIS A. DeSANTIS, B.A., LL.B.
IAN P. NEWCOMBE, B.A., LL.B.
CHARLES P. CRIMINISI, LL.B.
MARTHA B. ZIVOLAK, B.A. (HONS), LL.B.
DAVID A. ELLIOT, B.A., LL.B.
PAUL T. FERRACUTI, LL.B.

JOHN L. AGRO, Q.C. (RETIRED)

TELEF
FACS

FOURTH FLOOR
ONE JAMES STREET SOUTH

MAIL:
P. O. BOX 2069, STATION "A"
HAMILTON, ONTARIO
L8N 3G6

October 23, 1989

OCT 24 1989

Planning and Development Committee
City of Hamilton
City Hall
Hamilton, Ontario

Dear Sirs:

RE: Jerome Calzonetti
Rezoning Application ZA-88-111
Eleanor Neighbourhood

We are submitting herewith a copy of a petition that was duly circularized amongst the neighbours in the vicinity of the subject property which is being submitted in support of our client's pending application.

Would you kindly advise when this rezoning application will receive a hearing date before the Planning and Development Committee and provide us with your usual report.

Yours truly,


JOHN A. PARENTE

/kr
encl.

cc: Alderman Henry Merling
cc: Jerome Calzonetti

PETITION

TO: PLANNING AND DEVELOPMENT COMMITTEE

AND TO: THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

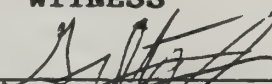

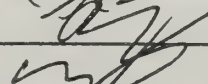
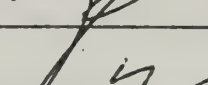
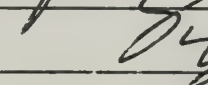

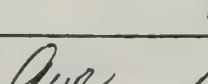
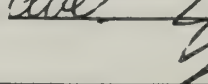
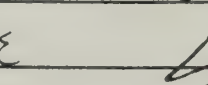
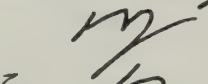



AND TO: THE CORPORATION OF THE CITY OF HAMILTON

RE: Rezoning Application ZA-88-111

AND RE: Eleanor Neighbourhood Review

WE, the undersigned, do hereby petition for the appropriate revision of the Eleanor Neighbourhood Plan and for the approval of the above-mentioned application for rezoning modified to allow for commercial development of the properties known as 829, 837, 845 and 867 Rymal Road East and 1630 Upper Gage Avenue in the City of Hamilton with the exception of the north-west triangular piece at the rear of 845 Rymal Road East which would be designated and zoned for single-family use in conjunction with the subdivision known as Eaglewood Estates.

The lands for which commercial designation is requested is more specifically set out in the plan attached hereto entitled "Option B" which lands are outlined in pink.

NAME	PROPERTY ADDRESS	WITNESS
ROMAN LEWCZUK	508 Eaglewood Dr	
Greg Peitchinis	487 Eaglewood Dr.	
ALDO DANIELI	14 SINENA AVE	
ROBERT DEMERCHIANT	10 SINENA AVE	
Monty 2 Sinena Ave		
Northey 2 Sinena Ave		
Frank Lewis 11 Sinena Ave		
Jim Lewis 11 Sinena Ave		
Marilyn McBlair	27 Sinena Ave	
Alena Miller	1574 UPPER GAGE	
Alan Gasate	1592 UPPER GAGE AVE	
Stan Cowley	860 RYMAL RD E #14	
T. Bridgland	860 Rymal Rd E #15	
B. Bube	86 Rymal 1.6 A #18	

NAME

PROPERTY ADDRESS

WITNESS

NAME	PROPERTY ADDRESS	WITNESS
Leonard Durham	1598 Upper Sage	✓
Jessie Durham	1598 Upper Sage	✓
John Durham	1606 UPPER SAGE	✓
Harold Johnson	472 Eaglewood Drive Ham.	✓
Brenda Gallagher	468 Eaglewood Dr	✓
John Johnson	465 Eaglewood Dr	✓
Richard Johnson		✓
Marya Cahill	461 Eaglewood Dr	✓
E. Miller	453 Eaglewood Dr.	✓
Chris Bazzo	446 Eaglewood Dr	✓
Don Harding	445 Eaglewood Dr.	✓
G. Harry	441 Eaglewood Dr	✓
P.K. Redd	437 Eaglewood Dr.	✓
K. Doddard	433 Eaglewood Dr.	✓
Leslie Stinger	425 Eaglewood Dr	✓
J. Avery	421 Eaglewood Dr.	✓
Louise Hayes	417 EAGLEWOOD DR	✓
Michael Matson	11 RIETI PL.	✓
Maureen Matson	11 Rieti Place	✓
ell Kuziora	5 Rieti PL	✓
C. Rosen	1 " "	✓
L. Gholbell	6 RIETI PL.	✓
Ed Muli	14 RIETI PL.	✓
Russ Raul	18 RIETI PL.	✓
Irene Bertolli	784 Rimal Rd.	✓
D. Mc	860 Rimal Rd E.	✓

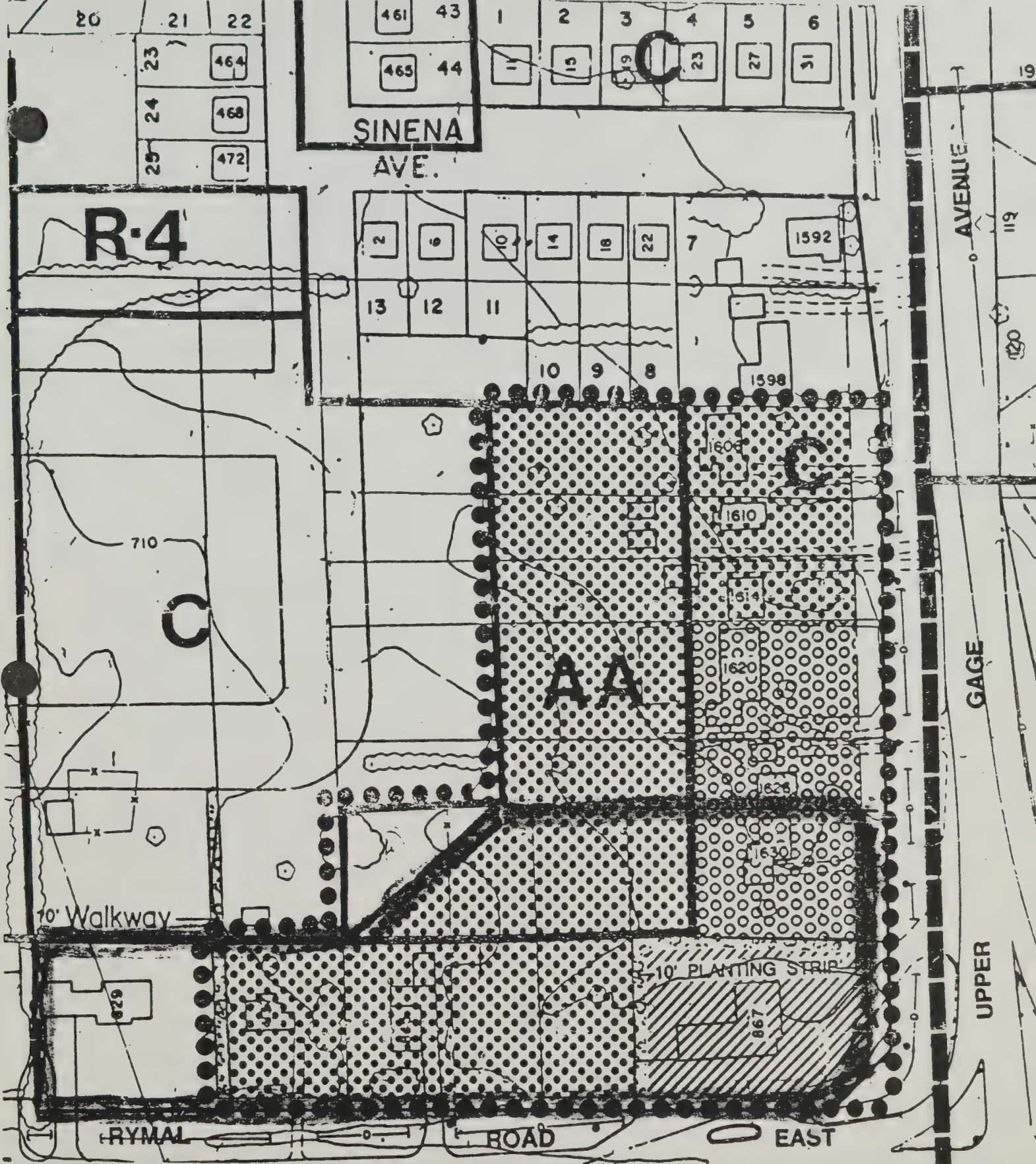
Name

Property Address

Witness

Jean Hyslop	819 Rymal Rd E	
David Dams	813 Rymal Rd East	
Jennie Middleton	783 Rymal Rd E	
Aller Todd	777 Rymal Rd E	
Jays Mufson	769 Rymal Rd E	
Sylvia Goodrum	759 Rymal Rd E	
Off Curkie	766 Rymal Rd E	
Minerva Curtis	766 Rymal Rd E	
R. J. Puddy	774 Rymal Rd E	
Wilbert Puddy	774 Rymal Rd E	
	219 Eleanor Ave	
	#52 860 Rymal Rd East	
	#52 860 Rymal Rd East	
Linda Jonnerton	#47 860 Rymal Rd E	
J. German	#45 860 Rymal Rd E	
E. Gray	#44 860 Rymal Rd E	
Ken Boudreau	#42 860 Rymal Rd	
M. Leser	40 860 "	
Jay Oke	#38 860 Rymal Rd E	
Vicki Dawson	37 860 Rymal Rd E	
John Wm	#35 860 Rymal Rd E	
M. Carrigan	#32 860 Rymal Rd E	
D. Vope	27 860 Rymal Rd E	
Andy Ford Franks	26 860 Rymal Rd E	
Kathryn Granger	#25 860 Rymal Rd E	
Valerie Weger	#24 860 Rymal Rd E	
Keri Gentle	#23 860 Rymal Rd E	
Myrtle Smith	#23 860 Rymal Rd E	
Richard Smith	#19 860 "	
Kal Shugart	#20 860 "	
Red Smith	#17 860 Rymal Rd E	
MRS M A DALL		

Name	Address	Witness
C. D'ARCY	860 Rymal E #7	
E. D'ARCY	" " "	
D. JOHNSON	73-860 Rymal E	
S. Viebke	17 " 11	
R. Viebke	860 Rymal R. #75	
R. Fowler	860 Rymal R #77	
Rash	" "	
H. Donnan	860 Rymal Rd #78	
A. L. Luff	860 Rymal Rd #80	
C. M. Luff	860 Rymal #80	
Sydney Ragenais	860 Rymal Rd E	
E. R. R. R.	" " " " "	
A. L. Luff	56-860 Rymal Rd. E.	
M. L. Luff	58, 860 Rymal Rd. E.	
M. L. Luff	58 860 Rymal Rd. E.	
A. L. Luff	59 " " " "	
Diane Hill	62 " " " "	
Harley Hill	62 " " " "	
Jessa Deck	64 " " " "	
Diane Renard	65 " " " "	
Diane Renard	66 " " " "	
Jack Bratney	66 " " " "	
Dana Trammek	68 " " " "	
Lara Kassan	69 - " " " "	
S. L. Luff (E. R. R.)	10 " " " "	
Patricia M. Luff	10 " " " "	
Bar	10 " " " "	
R. L. Luff	12 " " " "	
Mrs. Sylvia Bowers	860 Rymal Rd. Unit B3/2	
R. L. Luff	860 Rymal Rd. E.	



City of Hamilton
Neighbourhood Location

Land Use

Residential

- Single and Double
- Attached Housing
- Low Density Apartments
- Medium Density Apartments
- High Density Apartments
- Commercial and Apartments

Non-Residential

- Commercial
- Industrial
- Civic and Institutional
- Park and Recreational
- Open Space
- Utilities

Note: This is a guide plan only and is subject to change. For detail consult the Local Planning Division of the Regional Municipality of Hamilton-Wentworth.

- Neighbourhood Boundary
- Zoning Boundary
- Site Plan Control Boundary
- Latest Map Amendment
- Approvals
- Planning Comm.
- Council

OPTION B PROPOSED PLAN



CA 40NMBL A05
C51P4

E. A. SIMPSON
CITY CLERK

K. E. AVERY
DEPUTY CITY CLERK



Urban Municipal Librarian/
Central Library

CITY HALL
HAMILTON, ONTARIO
L8N 3T4

THE CORPORATION OF THE CITY OF HAMILTON

OFFICE OF THE CITY CLERK

1989 November 7th

Mr. E. W. Kowalski, Director of Community Development
Mr. S. Ghanem, Director of Economic Development
Mr. G. S. Spencer, Engineering Commissioner
Attention: Mr. K. Brenner
Mr. M. Main, Director of Traffic Services
Mr. R. Karl, Traffic Department
Ms. Diana Pasko, Planning Department
Mr. E.G. Beres, Regional Assessment Commissioner
Urban Municipal Librarian, Central Library

Attached herewith are the minutes of the Planning and Development Committee meeting held Wednesday, 1989 September 27th.

These minutes were approved by the Committee at its meeting held Wednesday, 1989 November 1st.

Yours very truly,

Mrs. Susan K. Reeder, Secretary
Planning and Development Committee

SKR:dbm

Attch.

c.c. '

- Manager, C.M.H.C.
- Hamilton & District Chamber of Commerce
Attention: Kathy Drewitt
- Mr. V. Mauceri, Manager, Research Dept., H.S.R.
- Mr. Paul E. Shewfelt, Board of Education
- Mr. T. Cupido, Superintendent of Plant,
Hamilton Separate School Board
- Mr. M. D. Crowley, Southam Communications Ltd.
- Mr. D. Miller, Canada Life, London, Ontario
- Mr. P. Hill, Durand Neighbourhood, c/o Ruth Morrison
- Mr. Rob Hager, Research Statistician, Oshawa Foods

GOVE

I

Wednesday, 1989 September 27
1:30 o'clock p.m.
Room 233, City Hall

The Planning and Development Committee met.

There were present: Alderman J. Smith, Chairman
Alderman F. Lombardo, Vice-Chairman
Alderman H. Merling
Alderman B. Hinkley
Alderman M. Kiss
Alderman D. Ross
Alderman W. McCulloch

Regrets: Mayor Robert M. Morrow
Alderman D. Christopherson; Regional Business

Also present: Mr. V. Abraham, Director of Local Planning
Mr. R. Karl, Traffic Department
Mr. P. Lampman, Deputy Building Commissioner
Mr. W. Wong, Building Department
Mr. J. Robinson, Department of Community Development
Mr. B. Allick, Building Department
Mr. D. Pickard, Building Department
Mr. K. Brenner, Regional Engineering
Mr. M. Watson, Real Estate Division
Mr. J. Schwarz, Regional Planning Department
Mr. E. Kowalski, Director of Community Development
Ms. L. Lawrence, City Solicitor's Office
Mr. T. Bradley, Manager, Purchasing Division
Mr. J. Sakala, Planning Department
Mr. J. Thoms, Commissioner of Planning and Development
Mr. P. Mallard, Planning Department
Mrs. Susan K. Reeder, Secretary

The Committee was in receipt of the minutes of their meeting held Wednesday, 1989 August 16 and APPROVED these minutes.

Minutes -
1989 August 16.

The Committee was in receipt of a report from the Building Commissioner dated 1989 September 20 respecting demolition permit applications.

Demolition Permit
Applications.

The Committee APPROVED the following:

That the Building Commissioner BE AUTHORIZED to issue demolition permits for the following properties:

- (a) 207, 209, 211 Hughson Street North
- (b) 117 West Avenue South
- (c) 123 West Avenue South
- (d) 32 Stinson Street
- (e) 867 Upper Paradise Road
- (f) 25 Melbourne Street West
- (g) 288 Grays Road
- (h) 122 Harmony Road

The Committee also agreed that the following demolition application BE TABLED:

- (a) 148 Annabelle Street

Land Drainage.

The Committee was in receipt of a report from the Building Commissioner dated 1989 September 20 respecting By-law No. 80-245 as amended by By-law No. 88-09 respecting land drainage.

Alderman Merling, Chairman of the Task Force on Lot Grading spoke to this matter. He requested that the Committee table this item in order that a full report could be brought back to the Committee on the following matters:

- (a) That the report outline the number of Orders to Comply on this matter.
- (b) Whether this By-law is being enforced.
- (c) The number of buildings that were built after the By-law was passed and did not comply to these new regulations.
- (d) A response from the Solicitor's Office with respect to the responsibilities that an architect has to ensuring that plans meet the current municipal legislation.

The Deputy Building Commissioner outlined the recommendation that was presented to them and the Committee then agreed with Alderman Merling's request that this matter be tabled in order that the above noted points could be included in a full report.

It was also suggested that when this matter comes back to the full meeting of the Planning and Development Committee that the appropriate people be at that meeting to speak to this matter. Namely, representatives of the Home Builders Association, Mr. Haverty, of Haverty and Rankin Limited, Architects, who wrote the letter which instigated the staff report, as well as the appropriate staff.

Cash-in-lieu of
Parking - Fennell
Square Plaza -
1007 Fennell Ave. E.

The Committee was in receipt of a report from the Chairman of the Cash-in-Lieu of Parking Committee dated 1989 September 20 respecting cash-in-lieu of parking - Fennell Square Plaza - 1007 Fennell Avenue East.

The Committee APPROVED the following:

- (a) That in accordance with the Cash-in-Lieu of Parking Policy, that Stan Vine of River Dell Holdings Limited BE REQUIRED to pay to the City of Hamilton the sum of \$79,750. which is 50% of the cost of providing 29 parking spaces at a total cost of \$159,500; and,
- (b) That the City Solicitor BE DIRECTED to prepare the Cash-in-Lieu Agreement as required.

NOTE: The sum of \$79,750. will be added to the reserve for off-street parking administered by the Parking Authority of the City of Hamilton.

On 1989 September 13, the Planning and Development Committee approved DA-88-30, subject to finalization of a shortfall in required parking from 498 to 469 spaces through the Cash-in-Lieu of Parking Policy.

The subject property is an existing plaza on which the owner proposes to erect an additional building. The new building causes a shortfall in parking required under Zoning By-law No. 6593.

At its meeting held on 1989 September 15, the Cash-in-Lieu Committee recommended that the policy be applied to this property for the shortfall of 29 parking spaces.

The Committee was in receipt of an added report from the Chairman of the Cash-in-Lieu Parking Committee dated 1989 September 27 respecting Cash-in-Lieu for 81 Dundurn Street South.

Cash-in-lieu of
Parking - 81 Dundurn
Street South.

The Committee APPROVED the following:

- (a) That in accordance with the Cash-in-Lieu of Parking Policy, that Martin Humphries BE REQUIRED to pay to the City of Hamilton the sum of \$80,000., which is 50% of the cost of providing 16 parking spaces at a total cost of \$160,000; and,
- (b) That the City Solicitor BE DIRECTED to prepare the Cash-in-Lieu Agreement as required.

NOTE: The sum of \$80,000. will be added to the reserve for off-street parking administered by the Parking Authority of the City of Hamilton.

The subject property is presently vacant except for a large advertising sign. The owner proposed to build a three-storey office building on the site with some 11 parking spaces to be provided in underground parking.

Under the requirements of Zoning By-law No. 6593, a total of 27 parking spaces are required. There is a shortfall of 16 parking spaces under the owner's proposal.

The Cash-in-Lieu of Parking Committee is recommending a 50% payment of the total development cost for the following reasons:

- (a) The owner has advised the Committee that a long-term lease on the adjoining three properties abutting Main Street West will be provided which will actually accommodate 25 parking spaces.
- (b) An additional loading space will be provided on the adjoining lands abutting Main Street West.
- (c) The number of parking spaces provided exceed the zoning by-law requirements, but do not comply with regulations in the zoning by-law pertaining to the provision of parking on the same lot.

The Committee was in receipt of a report from the Director of Community Development dated 1989 September 21 respecting Application for P.R.I.D.E. funding for 1990-1993 - Central/Beasley Neighbourhoods.

Application for
P.R.I.D.E. funding
for 1990-1993 -
Central/Beasley
Neighbourhoods.

The Committee APPROVED the following:

- (a) That, the Director of Community Development BE AUTHORIZED to make application to the Ministry of Municipal Affairs, Community Development Branch, for matching funds under the Programme for Renewal, Improvement, Development and Economic Revitalization (P.R.I.D.E.) Programme for a maximum of four hundred thousand dollars (\$400,000.) to equal a total project cost of eight hundred thousand dollars (\$800,000.) for the Central/Beasley P.R.I.D.E. Project; and,
- (b) That, a Community Improvement Project Area BE DESIGNATED as per Schedule "A", attached herewith and marked Appendix "A" for the Central/Beasley Neighbourhoods in conformity with The Planning Act, Section 28; and,
- (c) That, the City Solicitor BE AUTHORIZED and directed to prepare the necessary By-law for (b) above; and,
- (d) That, the Department of Community Development BE AUTHORIZED to prepare the requisite Community Improvement Plan in accordance with The Planning Act, Section 28; and,

- (e) That, the City Solicitor BE AUTHORIZED and directed to prepare the necessary By-law for (d) above.

NOTE: Funds for the City's portion of this project have been allocated in the 1989-1993 Capital Budget.

Included in the 1988-1991 period of the 1988-1992 Capital Budget was the amount of eight hundred thousand dollars (\$800,000.) for the Beasley P.R.I.D.E. Programme (\$400,000. Provincial and \$400,000. Municipal). Via the Parks Expenditure Policy, this has been geographically expanded to include a portion of the Central Neighbourhood also.

Commercial Facade
Loan Programme,
Improvement Plan &
Programme - Main
Street West.

The Committee was in receipt of a report from the Director of Community Development dated 1989 August 25 respecting Commercial Facade Loan Programme and the Commercial Improvement Programme - Main Street West Community Improvement Plan.

The Committee APPROVED the following:

- (a) That the Community Improvement Plan for Main Street West on Main Street West from Locke to Queen Streets (Main Street West B.I.A.) attached herewith and marked Appendix "B", BE APPROVED in order to implement the Commercial Facade Loan Programme and the Commercial Improvement Programme; and,
- (b) That the City Solicitor BE AUTHORIZED and directed to prepare the requisite By-law; and,
- (c) That the City Solicitor BE AUTHORIZED to submit to the Provincial Ministry of Municipal Affairs, the Community Improvement Plan on Main Street West from Locke to Queen Streets for their approval.

NOTE: The Planning Act, Section 28, Sub-Section 7 (1983) stipulates that, "For the purpose of carrying out the Community Improvement Plan the Municipality may make grants or lands to the registered owners or assessed owners of lands and buildings within the Community Improvement Project Area to pay for the whole or any part of the cost of rehabilitating such lands and buildings in conformity with the Community Improvement Plan".

In order to implement the Commercial Facade Loan Programme and the Commercial Improvement Programme on Main Street West from Locke to Queen Streets, the Community Improvement Plan must be adopted by By-law and approved by the Ministry of Municipal Affairs.

Commercial Facade
Loan Programme,
Improvement
Programme &
Plan - Locke Place.

The Committee was in receipt of a report from the Director of Community Development dated 1989 September 21 respecting Commercial Facade Loan Programme and Commercial Improvement Programme - Locke Place Community Improvement Plan.

The Committee APPROVED the following:

- (a) That the Community Improvement Plan for Locke Place on Locke Street West from Main to Herkimer Streets (Locke Place B.I.A.) attached herewith and marked Appendix "C", BE APPROVED in order to implement the Commercial Facade Loan Programme and the Commercial Improvement Programme; and,
- (b) That the City Solicitor BE AUTHORIZED and directed to prepare the requisite By-law; and,
- (c) That the City Solicitor BE AUTHORIZED to submit to the Provincial Ministry of Municipal Affairs, the Community Improvement Plan on Locke Street from Main to Herkimer Streets for their approval.

NOTE: The Planning Act, Section 28, Sub-Section 7 (1983) stipulates that, "For the purpose of carrying out the Community Improvement Plan the Municipality may make grants or loans to the registered owners or assessed owners of lands and buildings within the Community Improvement Project area to pay for the whole or any part of the cost of rehabilitating such lands and buildings in conformity with the Community Improvement Plan".

In order to implement the Commercial Facade Loan Programme and the Commercial Improvement Programme on Locke South from Main to Herkimer Streets, the Community Improvement Plan must be adopted by By-law and approved by the Ministry of Municipal Affairs.

The Committee was in receipt of a report from the Director of Community Development dated 1989 September 21 respecting an application for a loan under the Second Level Lodging Home Programme.

Second Level
Lodging Home
Programme
Application.

The Committee APPROVED the following:

That a rehabilitation loan in the amount of \$50,000. BE APPROVED for Veronica & Leonard Dunbar for a Second Level Lodging Home at 178 John Street North in Hamilton.

NOTE: This loan was previously approved on 1988 April 12, however, the property was sold and the loan payments are being assumed by the new owner.

The Committee was in receipt of a report from the Manager of Purchasing dated 1989 September 22 respecting fabricate and deliver ninety (90) refuse containers, Phase IV, Downtown Action Plan.

Refuse Containers,
Phase IV, Downtown
Action Plan.

Alderman Hinkley spoke to this matter and asked that a redesign be done on these containers in order to allow a small opening labelled "litter" to allow people walking down these alleyways to deposit garbage that they may find along the way.

Mr. John Robinson of the Community Development Department spoke to this matter. Alderman Merling asked that the Public Works have input into this matter and Mr. Robinson addressed this comment by indicating that Mr. Reinhold of the Public Works Department had designed these containers.

Following further discussion on this matter by the Committee, it was agreed that this matter BE TABLED until the next meeting of the Committee in order that pictures of the container be brought in to show the Committee as well as information on the cost for the maintenance on these containers.

The Committee was in receipt of a report from the Commissioner of Engineering dated 1989 August 31 respecting cash payment in lieu of 5% dedication parkland dedication "Lillian Heights" - Phase 2, Hamilton.

Cash in lieu of
Parkland - "Lillian
Heights - Phase 2".

The Committee APPROVED the following:

That the City of Hamilton ACCEPT the sum of \$119,370. as cash payment in lieu of 5% dedication in connection with "Lillian Heights - Phase 2", Hamilton, this being the cash requirement under Section 50 of The Planning Act.

NOTE: These lands are located west of Grayrocks Avenue and south of Rymal Road in the Broughton East Neighbourhood, Hamilton.

The Committee requested information on the status of the parkland dedication fund.

Status of Parkland
Fund.

The Director of Local Planning provided information on this matter and the Committee requested that a report on the status of the parkland dedication fund be forwarded to the Secretary in order that this information could be distributed to all Members of the Committee.

The Committee specifically requested information on the amount in the account in 1988, how much has been spent to date, how the money is invested and at what interest rate and the amount in the account this year.

Job Change -
Director of
Local Planning.

At this point in the meeting, it was indicated that Mr. Victor Abraham, Director of Local Planning will be moving over to the Regional Offices to assume the position of Director, Regional Planning Branch.

The Committee wished Mr. Abraham well and expressed their appreciation to him for his expertise and dedication over the years.

South leg of
King Street
between James &
John Streets.

The Committee was in receipt of a memorandum from the Secretary of the Transport and Environment Committee dated 1989 September 22 respecting the south leg of King Street between James and John Streets.

The Committee discussed this matter at some length and agreed that a full-staff report should be compiled on this matter and brought back to the Committee.

The Committee also indicated that there should be input on this matter from the B.I.A., the Engineering Department and that cost factor should be outlined with respect to this matter.

This matter was then referred to the Director of Traffic Services for a comprehensive report on this issue.

Proposed Draft
Plan of Condo-
minium - "Char-
Fill Building".

The Committee was in receipt of a report from the Commissioner, Planning and Development dated 1989 September 11 respecting proposed draft plan of condominium "Char-Fill Building" for property on the north side Bigwin Road, west of Pritchard Road.

The Committee APPROVED the following:

That APPROVAL be given for Proposed Draft Plan of Condominium Application SA-89-10, "Char-Fill Building", Filippo Ferrone, owner, to establish a draft plan of condominium located on the north side of Bigwin Road, west of Pritchard Road, subject to the following conditions:

- (a) That this approval apply to the plan prepared by Ashenhurst Nouwens Ltd. dated 1989 May 2.
- (b) That the owner agree in writing to satisfy all financial requirements of the Regional Municipality of Hamilton-Wentworth.

Proposed renaming
of part of
Cannon Street
West.

The Committee was in receipt of a report from the Commissioner, Planning and Development dated 1989 September 20 respecting the proposed renaming of a part of Cannon Street West from Bay Street, westerly to the intersection with York Boulevard and Queen Street North.

The Committee discussed this matter at some length and agreed TO TABLE this matter until such time as the ward Alderman, Alderman W. McCulloch, was at the meeting to speak to this matter.

The Committee was in receipt of a report from the Commissioner, Planning and Development dated 1989 September 19 respecting Proposed Draft Plan of Subdivision "Effort Gardens".

Proposed Draft Plan
of Subdivision
"Effort Gardens"

The Committee APPROVED the following:

That the approval given to Proposed Draft of Subdivision Application 88-21, by City Council at its meeting held 1989 June 27, BE REVISED to show a reduced road width of 18.0m for the cul-de-sac on the draft approved plan.

NOTE: This proposed plan of subdivision was approved by City Council at its meeting held 1989 June 27. The proposed draft plan was revised, as requested, by the Department of Engineering to show a 20.0m road width of the cul-de-sac.

The applicant appeared at the subsequent meeting of the Regional Economic Development and Planning Committee meeting held 1989

August 8, and requested that the road width of the cul-de-sac be changed to show a width of 18.0m.

The Economic Development and Planning Committee approved the subdivision with a reduced road allowance for the cul-de-sac but made this decision subject to the City of Hamilton considering and approving the reduced road width.

The Committee was in receipt of a report from the Commissioner, Planning and Development dated 1989 September 20 respecting Site Plan Control Application DA 89-67 for 158 condominium residential development at 1884 Main Street West.

Site Plan Control
Application
DA 89-67 - 1884
Main Street West.

The Committee APPROVED the following:

That APPROVAL be given to Site Plan Control Application DA 89-67, by McClure Community Homes Inc., owners of lands known as 1884 Main Street West for a 158 unit condominium residential development subject to the following:

- (a) Modification to the plans in relation to notes, dimensions, and limit of work fence, as marked in red on the plans.
- (b) Submission of revised vegetation plan for the earth work area in storm drainage plan to the satisfaction of the Hamilton Region Conservation Authority.
- (c) Provision of a note on the plan that the height of the building and the parking area may be adjusted on approval by the Committee of Adjustment for the following variances:
 - (i) One of the two buildings will have a height of 9 storeys instead of 8 storeys.
 - (ii) Surface parking spaces will have a raised portion provided a wheel stop, an overhang within the 6.0m parking space.

NOTE: Alderman Kiss opposed.

Zoning Applications

SA 89-06 - north of Stone Church Rd.W. and west of Chesley St.

At this point the meeting adjourned and reconvened in the City Hall Council Chambers for the purpose of hearing zoning applications.

The Committee was in receipt of a report from the Commissioner, Planning Department dated 1989 September 19 respecting Proposed Draft Plan of Subdivision Application 89-06 for property north of Stone Church Road West and west of Chesley Street and Zoning Application 89-32 for property on the west side of Chesley Street in the area north of Stone Church Road.

The Committee APPROVED the following:

- (a) That APPROVAL be given to Proposed Draft Plan of Subdivision Application 89-06, L. Harbottle, owner, to establish a draft plan of subdivision north of Stone Church Road West and west of Chesley Street, subject to the following conditions:
 - (i) That this approval apply to the plan prepared by E. Barich dated 1989 March 10, revised by adding part of a bulb at the easterly corner of Street "A" and by deleting the lands of Lot 25, R. P. 947.
 - (ii) That the street be dedicated as a public highway on the final plan.
 - (iii) That the street be named to the satisfaction of the City of Hamilton and the Regional Municipality of Hamilton-Wentworth.
 - (iv) That the final plan conform with the Zoning By-law approved under The Planning Act.
 - (v) That such easements as may be required for utility or drainage purposes be granted to the appropriate authority.
 - (vi) That the owner make a cash payment in lieu of the conveyance of 5% of the land included in the plan to the City of Hamilton for park purposes.
 - (vii) That the owner provide the City of Hamilton with a certified list showing the net area and width of each lot and block in the final plan.
 - (viii) That Block "22", the 0.3m reserve be conveyed to the City of Hamilton.
 - (ix) That Blocks "17" to "21" inclusive be developed only in conjunction with adjacent lands.
 - (x) That Street "A" be established and align with the corresponding street on the draft approved plan of "Orchard Park Estates" (25T-88003).
 - (xi) That the plan not be registered prior to the acquisition by the owner of the northerly 20.0m of Lot 25, R.P. 947 or the establishment of the road by by-law as a public road.
 - (xii) That Lots 1 to 6 inclusive not be registered until the storm and sanitary sewers are available.
 - (xiii) That the owner shall erect a sign in accordance with Section XI of the subsequent Subdivision Agreement prior to the issuance of a final release by the City of Hamilton.
 - (xiv) That the owner agree in writing to satisfy all the requirements, financial and otherwise, of the City of Hamilton.

- (b) That a Subdivision Agreement BE ENTERED INTO by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Hamilton-Wentworth Region with respect to this application (SA-89-06), L. Harbottle, owner, and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal service has been approved by City Council.

That APPROVAL be given to Zoning Application 89-32, 642388 Ontario Inc. L. S. Harbottle, owner, to establish a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District to permit single-family residential development, for property located on the west side of Chesley Street in the area north of Stone Church Road, as shown on the map attached herewith and marked Appendix "D", on the following basis:

ZA 89-32 - west side of Chesley St. in the area north of Stone Church Rd.

- (a) That the subject lands be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District;
- (b) That the City Solicitor be directed to prepare a by-law to amend Zoning By-law No. 6593 and Zoning District Maps W-9c and W-17C for presentation to City Council; and,
- (c) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

NOTE: The purpose of the proposed By-law is to provide for a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District for lands located on the west side of Chesley Street in the area north of Stone Church Road.

The effect of the proposed change is to subdivide the subject land into building lots for single-family detached dwellings.

The Committee was in receipt of a report from the Commissioner, Planning and Development dated 1989 September 21 respecting Zoning Application 89-29 for property east and adjacent to 1686 Main Street West.

ZA 89-29 - east and adjacent to 1686 Main St. W.

The Committee APPROVED the following:

That APPROVAL be given to Zoning Application 89-29, Canadian National Institute for the Blind, lessee, for a further modification to the established "A" (Conservation, Open Space, Park and Recreation) District regulations (Block "1"), and a modification to the established "A" (Conservation, Open Space, Park and Recreation) District (Block "2"), to permit the use of the subject lands for additional parking for staff and visitors in conjunction with the Institute for the Blind, for a strip of land east and adjacent to 1686 Main Street West, as shown on the map attached herewith and marked Appendix "E", on the following basis:

- (a) That the "A" (Conservation, Open Space, Park and Recreation) District regulations as contained in Section 7 of Zoning By-law No. 6593 applicable to Blocks "1" and "2", be modified to include the following variances as a special requirement:
- (i) That notwithstanding Section 7(1), the parking of motor vehicles shall be permitted, only in conjunction with the Canadian Institute for the Blind located on adjoining lands to the west at 1686 Main Street West;
- (ii) That Sections 18A(11) and 18A(12) shall not apply;
- (b) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-395b, and that the subject lands on Zoning District Map W-46 be notated S-395b;

- (c) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-46 for presentation to City Council;
- (d) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

NOTE: The purpose of this By-law is to provide for a modification to the established "A" (Conservation, Open Space, Park and Recreation) District regulations, applicable to Blocks "1" and "2", described as property located east and adjacent to 1686 Main Street West.

The effect of the By-law is to permit a parking lot to be used only in conjunction with the Canadian National Institute for the Blind, located on adjoining lands to the west at 1686 Main Street West.

In addition, the By-law provides for a variance to exempt the parking lot from providing the required 1.5m wide landscaped planting strip, and required 1.2m high to 2.0m high visual barrier along the boundary of the parking lot which abuts a residential district.

ZA 89-41 -
905 Rymal Road
East.

The Committee was in receipt of a report from the Commissioner, Planning and Development dated 1989 September 21 respecting Zoning Application 89-41 for property at 905 Rymal Road East.

The Committee APPROVED the following:

That APPROVAL be given to Zoning Application 89-41, Landawn Shopping Centres, owner, for a modification to the established "G" (Neighbourhood Shopping Centre, etc.) District regulations to permit a shopping centre identification sign on property located at 905 Rymal Road East, as shown on the map attached herewith and marked Appendix "F", on the following basis:

- (a) That the "G" (Neighbourhood Shopping Centre, etc.) District regulations as contained in Section 13 of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following variances as special provisions:
 - (i) That notwithstanding the provisions of Section 13.(1) of Zoning By-law No. 6593, shopping centre identification signs shall be permitted in accordance with section 13A(1)(xi);
 - (ii) That notwithstanding the provisions of Section 13.(3) of Zoning By-law No. 6593, any shopping centre identification sign shall be set back a minimum of 3.0m from any street line;
 - (iii) That any shopping centre identification sign shall be set back a minimum of 3.0m from the nearest access driveway;
 - (iv) That any shopping centre identification sign shall have a minimum clear height of 3.0m from the ground to the bottom of the sign.
- (b) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1141, and that the subject lands on Zoning District Map E-49D be notated S-1141;
- (c) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-49D for presentation to City Council;
- (d) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

NOTE: The purpose of the By-law is to provide for a modification to the "G" (Neighbourhood Shopping Centre, etc.) District regulations, applicable to property located at 905 Rymal Road East.

The effect of the By-law is to permit shopping centre identification signs to be located on the site, subject to the following restrictions:

- (a) Any sign shall be located at a distance of not less than 3.0m from a street line or access driveway; and,
- (b) Any sign shall have a height of at least 3.0m from the ground to the bottom of the sign.

At this point in the meeting, Alderman Ross spoke to the Committee on concerns he was having at recent developers in his ward proceeding to build the ground works without a building permit.

Alderman Ross requested that staff report back on how this type of occurrence can be stopped in order that developers are not forcing the City into issuing building permits and approving site plans as a result of the actions that have been taken by the developers in laying the ground work.

The Committee was in receipt of a report from the Commissioner, Planning and Development dated 1989 September 20 respecting Zoning Application 89-44 for property at 2846 King Street East.

The report of the circularization was given as follows:

43 notices sent. 6 in favour. Zero opposed.

Mr. Norm Watson, agent for the applicant spoke to the Committee. The husband of one of the owners was also in attendance along with Mr. Watson.

Mr. Watson spoke to the Committee on the reasons for supporting the application and indicated that he disagrees on the heritage aspect of the building at 2846 King Street East.

The Committee then APPROVED the following:

- (A) That Zoning Application 89-44, Mouskos and E. Kountouris, owners, requesting changes in zoning from "AA" (Agricultural) District to "HH" (Restricted Community and Shopping Commercial) District, for Block "1", and from "AA" (Agricultural) District to "R-4" (Small Lot Single-Family Detached) District for Block "2", for the property located at 2846 King Street East, as shown on the map attached herewith and marked Appendix "G", BE DENIED IN PART, for the following reason:
 - (a) That the full range of commercial uses permitted under the "HH" District regulations conflicts with the recently approved Gershome Neighbourhood Plan, in that many of the uses are "highway oriented" and are not considered appropriate for the existing heritage building.
- (B) That APPROVAL be given to Official Plan Amendment No. 81 to create a "Special Policy Area" to limit the types of commercial uses within the existing building, and the City Solicitor be directed to prepare a by-law for adoption for submission to the Regional Municipality of Hamilton-Wentworth.
- (C) That APPROVAL be given to amended Zoning Application 89-44, H. Mouskas and E. Kountouris, owners, for a modification to the "AA" (Agricultural) District regulations (Block "1"), and a change in zoning from "AA" (Agricultural) District to "R-4" (Small Lot Single-Family Detached) District (Block "2"), to permit the conversion of the existing building for limited commercial uses (Block "1") and the construction of single-family dwellings (Block "2") for the property located at 2846 King Street East, as shown on the map attached herewith and marked Appendix "H", on the following basis:
 - (a) That Block "2" be rezoned from "AA" (Agricultural) District to "R-4" (Small Lot Single-Family Detached) District;

Builders
proceeding without
building permit.

ZA 89-44
- 2846 King St. E.

- (b) That the "AA" (Agricultural) District regulations as contained in Section 7A of Zoning By-law No. 6593, applicable to Block "1", be modified to include the following variances as special requirements:

and that notwithstanding Section 7A(1), the following uses shall be permitted:

(i) Commercial Uses only within the Existing Building:

- (1) funeral home;
- (2) pharmaceutical, chemical, physical or opticians lab;
- (3) retail stores;
- (4) business and professional person's offices, excluding medical and dental offices;
- (5) photographer's studio;
- (6) barber shop, hairdresser;
- (7) shoe shine parlour;
- (8) caterer's shop;
- (9) other personal service shops;
- (10) tailor's shop, dressmakers establishment;
- (11) shoe repair shop;
- (12) wearing apparel shop; and,
- (13) restaurant without entertainment.

(ii) Institutional Use only within the Existing Building:

- (1) Day Nursery.

(iii) Accessory Use:

- (1) One ground sign, wall sign, or projection sign having an area of not more than 0.4m² non-illuminated or non-flashing indirect or interior means only, located at least 1.5m from the nearest street line in connection with the commercial use.

- (c) That the amending By-law be added to Section 19B of Zoning By-law No. 6593, as Schedule S-1142, and that the subject lands on Zoning District Map E-106 be notated S-1142;
 - (d) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-106 for presentation to City Council;
 - (e) That the proposed change in zoning will be in conformity with the Official Plan for the Hamilton Planning Area upon the approval of Official Plan Amendment No. 81 by the Regional Municipality of Hamilton-Wentworth.
- (D) That By-law No. 79-275 as amended by By-law No. 87-223 establishing Site Plan Control BE AMENDED by adding the lands shown as Block "1" to Schedule "A".

NOTE: The purpose of the By-law is to provide for changes in zoning for the property located at 2846 King Street East, on the following basis:

- (a) Block "1" - Modification to the "AA" (Agricultural) District regulations; and,
- (b) Block "2" - Change in zoning from "AA" (Agricultural) District to "R-4" (Small Lot Single-Family Detached) District.

The effect of the By-law is to permit the future development of Block "2" for a small lot single-family dwellings, and the conversion of the existing building on Block "1", for the above-noted uses.

The Committee was in receipt of a report from the Commissioner, Planning and Development dated 1989 September 18 respecting Zoning Application 89-50 for property at 139 Cannon Street East.

ZA 89-50 -
139 Cannon St. E

Report of the circularization was given as follows:

202 notices sent. 9 in favour. 1 opposed.

Mrs. Stella Frittin, 136 Cannon Street East spoke to the Committee on her concerns. She indicated that the noise level is very high from the present occupants of the building. She also indicated that she disputes the uses given of the building in the past and indicated that it has had numerous uses.

Mrs. Frittin also cited parking as a major problem in that area and that many of the surrounding buildings i.e. Fire Department, Police Department etc. use the streets for parking. She added that she has lived in this area for 50 years. Mrs. Frittin also indicated that she questioned the use in the building and does not want an auto body workshop in there.

Mr. Fred Lee, representing Mr. Maurice Carter, who was also in attendance and is the applicant for this application spoke to the Committee on this matter. Following some questions by the Committee, Mr. Carter spoke and indicated that he cannot guarantee that body work shop will not be placed into this building once the building is sold.

Mr. Lee indicated that Mr. Carter has offered to assist with parking at his own facility on Cannon Street for this particular property.

The Committee then APPROVED the Zoning Application.

Mr. Lee spoke to the Committee with respect to one aspect of the recommendation of staff regarding the encroachment agreement. Mr. Lee advised the Committee that he has made application for this agreement but has been advised that due to a work backlog that approval for this agreement would be some months before being approved. Mr. Lee asked if some arrangements could be made in order that the by-law could be processed.

The Committee agreed that a letter of undertaking from the applicant that an application as been made for an encroachment agreement with the City with is acceptable and directed that the staff recommendation be amended accordingly.

The Committee then APPROVED the following amended recommendation with respect to this application.

- (a) That APPROVAL be given to amended Zoning Application 89-50, Maurice Charles Carter, owner, requesting a change in zoning from "J" (Light and Limited Heavy Industry, etc.) District, modified, to "H" (Community and Shopping and Commercial, etc.) District, to permit the use of the subject lands for automobile sales and service, for the property located at 139 Cannon Street East, as shown on the map attached herewith and marked Appendix "I", on the following basis:
 - (i) That the subject lands be rezoned from "J" (Light and Limited Heavy Industry, etc.) District, modified, to "H" (Community Shopping and Commercial, etc.) District;
 - (ii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-4 for presentation to City Council;
 - (iii) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.
- (b) That the City Solicitor ACCEPT a letter of undertaking from Maurice Charles Carter, owner of the property at 139 Cannon Street East, that an application has been made to enter into an encroachment agreement with the City for the existing building.

NOTE: The purpose of this By-law is to provide for a change in zoning from "J" (Light and Limited Heavy Industry, etc.) District to "H" (Community Shopping and Commercial, etc.) District for the property located at 139 Cannon Street East.

The effect of this By-law is to permit the use of the subject lands for automobile sales and service.

ZA 89-53 -
north and west
of property at
549 Stone Church
Road East.

The Committee was in receipt of a report from the Commissioner, Planning and Development dated 1989 September 20 respecting Zoning Application 89-53 for property to the north and west of property at 549 Stone Church Road East.

The Committee was in receipt of a letter of submission from Ms. J. Little, 570 Stone Church Road East.

Mr. George Barclay of Hamilton General Homes spoke to this matter and indicated that past objections to a restaurant use at the property of 549 Stone Church Road was to a fast food outlet. He added that he feels that a restaurant is the most suitable use for this house and that a fine dining restaurant would be much more conducive to this location than a fast food outlet.

Alderman Merling expressed his opposition to a restaurant being allowed in this building.

Considerable discussion ensued on this matter and the Committee APPROVED the following:

That APPROVAL be given to amended Zoning Application 89-53, Boyago Realty Limited, prospective owner, for a change in zoning from "AA" (Agricultural) District to "G-4" (Designed Neighbourhood Shopping Area) District, modified to permit a neighbourhood shopping plaza in conjunction with the adjacent land to the north and west, for property located at 549 Stone Church Road East, as shown on the map attached herewith and marked Appendix "J", on the following basis:

- (a) That the subject land be rezoned from "AA" (Agricultural) District to "G-4" (Designed Neighbourhood Shopping Area) District;
- (b) That the "G-4" (Designed Neighbourhood Shopping Area) District regulations contained in Section 13D of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following variances as special requirements:
 - (i) That notwithstanding Section 13D(1)(B)(iv) of By-law No. 6593, a restaurant shall be permitted only within the existing building located at 549 Stone Church Road East;
 - (ii) That Section 13D(5) shall not apply.
- (c) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1143 and that the subject lands on Zoning District Map E-27C be notated S-1143;
- (d) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-27C for presentation to City Council;
- (e) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area; and,
- (f) That the approved Rushdale Neighbourhood Plan be amended by redesignating the subject lands to "Commercial".

NOTE: The purpose of the application is to provide for a change in zoning from "AA" (Agricultural) District to "G-4" (Designed Neighbourhood Shopping Area) District for property located at 549 Stone Church Road East.

The purpose of the proposed By-law is to permit development of the subject land for a neighbourhood shopping plaza in conjunction with the adjacent land to the north and west. In addition, the By-law provides for the following variances as special requirements:

- (a) To permit a restaurant only within the existing stone house at 549 Stone Church Road East;
- (b) The provisions for maximum lot depth and maximum lot area shall not apply.

NOTE: Alderman Merling opposed.

The Committee was in receipt of a report from the Commissioner, Planning and Development dated 1989 September 20 respecting Zoning Application 89-67 for property at 18 Main Street East.

ZA 89-67 -
18 Main St. E.

The Committee APPROVED the following:

That APPROVAL be given to Zoning Application 89-67, DeSantis Group Inc., prospective owner, requesting a modification to the "I" (Central Business District, etc.) District regulations, to permit the construction of a 13 storey, mixed residential/commercial building containing approximately 3,100m² of commercial and office space, 72 apartment units and 275 public parking spaces, for the property located at 18 Main Street East, as shown on the map attached herewith and marked Appendix "K", on the following basis:

- (a) That the "I" (Central Business District, etc.) District regulations, as contained in Section 15 of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following variances as special requirements:
 - (i) That notwithstanding Section 15.(3)(iii)(b), a minimum rear yard of 4.5m shall be provided and maintained;
 - (ii) That notwithstanding Section 15.(4)(iii), a multiple dwelling having a maximum of 72 dwelling units shall be permitted;
 - (iii) That notwithstanding Section 18A.(1)(c) one loading space having a minimum dimension of 9.0m x 3.7m x 4.3m shall be provided and maintained;
 - (iv) That notwithstanding Section 18A.(1)(d), one loading space having a minimum dimensions of 9.0m x 2.6m x 4.3m shall be provided and maintained;
 - (v) That notwithstanding Section 18A.(7), nine of the required parking spaces shall have minimum dimensions of 2.6m x 5.0m and 324 parking spaces shall have minimum dimensions of 2.6m x 5.89m;
 - (vi) That notwithstanding Section 18A.(9) and 18A.(1)(f) Table 6, the manoeuvring space for five parking spaces shall be located off-site;
 - (vii) That notwithstanding Section 18A.(20)(a)(ii), the required residential visitor parking will be located within the area designated for commercial parking spaces.

- (b) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1144, and that the subject lands on Zoning District Maps E-4 and E-5 be notated S-1144;
- (c) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Maps E-4 and E-5 for presentation to City Council;
- (d) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.
- (e) That the Corktown Neighbourhood Plan be amended by redesignating the subject lands from "Commercial" to "Commercial and Apartments".

NOTE: The purpose of this By-law is to provide for a modification to the "I" (Central Business District, etc.) District regulations, for the property located at 18 Main Street East.

The effect of this By-law is to permit the construction of a 13 storey mixed residential/commercial building containing approximately 3,100m² of commercial and office space (ground and 7th floor), 72 apartment units (from the 8th to the 13th floors) and 275 public parking spaces (from the 2nd to the 6th floors).

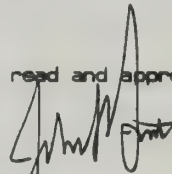
In addition, the By-law provides for the following variances, to permit:

- (a) A rear yard of 4.5m instead of the required 7.5m;
- (b) 72 apartment units instead of the legally permitted 30 units;
- (c) One small residential loading space (9.0m x 3.7m x 4.3m) instead of providing one large loading space (18.0m x 3.7m x 4.3m);
- (d) One commercial loading space having a dimension of 9.0m x 2.6m x 4.3m instead of providing two loading spaces having dimensions of 18.0m x 3.7m x 4.3m.
- (e) Nine parking spaces to have dimensions of 2.6m x 5.0m, and 324 parking spaces to have dimensions of 2.6m x 5.89m, instead of the required 2.6m x 6.0m.
- (f) The manoeuvring area for 5 parking spaces to be located off-site; and,
- (g) The residential visitor parking in the commercial parking area.

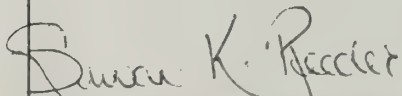
Adjournment.

There being no further business, the meeting then adjourned.

Taken as read and approved,



ALDERMAN J.L. SMITH, CHAIRMAN
PLANNING AND DEVELOPMENT COMMITTEE



Mrs. Susan K. Reader, Secretary
1989 September 27

Typed by M. J. Walton

- 1. The first objective of the study is to determine the effect of the independent variable on the dependent variable.
- 2. The second objective is to determine the effect of the independent variable on the dependent variable.
- 3. The third objective is to determine the effect of the independent variable on the dependent variable.
- 4. The fourth objective is to determine the effect of the independent variable on the dependent variable.
- 5. The fifth objective is to determine the effect of the independent variable on the dependent variable.
- 6. The sixth objective is to determine the effect of the independent variable on the dependent variable.
- 7. The seventh objective is to determine the effect of the independent variable on the dependent variable.
- 8. The eighth objective is to determine the effect of the independent variable on the dependent variable.
- 9. The ninth objective is to determine the effect of the independent variable on the dependent variable.
- 10. The tenth objective is to determine the effect of the independent variable on the dependent variable.

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